



# Journal of the House

State of Indiana

112th General Assembly

First Regular Session

Twenty-second Meeting Day

Monday Afternoon

February 19, 2001

The House convened at 1:00 p.m. with the Speaker in the Chair.

The invocation was offered by Pastor Anthony B. Toran, Galatian Missionary Baptist Church, New Albany, the guest of Representative William C. Cochran.

The Pledge of Allegiance to the Flag was led by Representative Cochran.

The Speaker ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera	Kersey
Alderman	Klinker
Atterholt	Kromkowski
Avery	Kruse •
Ayres	Kruzan
Bardon	Kuzman
Bauer	Lawson
Becker	Leuck
Behning	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Bosma	Mahern
Bottorff	Mangus
C. Brown	Mannweiler
T. Brown	McClain
Buck	Mellinger
Budak	Mock
Buell	Moses
Burton	Munson
Cheney	Murphy
Cherry	Oxley
Cochran	Pelath
Cook	Pond
Crawford	Porter
Crooks	Richardson
Crosby	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dillon	Scholer
Dobis	M. Smith
Dumézich	V. Smith
Duncan	Steele
Dvorak	Stevenson
Espich	Stilwell
Foley	Sturtz
Frenz	Summers
Friend	Thompson
Frizzell	Tincher
Fry	Torr
GiaQuinta	Turner
Goeglein	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker

Roll Call 128: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 20, 2001, at 1:00 p.m.

GOODIN

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 14, 101, 236, 240, 339, 352, 361, 376, 386, 405, 408, 424, 427, 441, 444, 456, 490, 526, 574, and 583 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 23 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 25

Representative Kuzman introduced House Concurrent Resolution 25:

A CONCURRENT RESOLUTION urging the United States Department of Transportation to hold hearings on the question of the relocation of the boundary between the Central Time Zone and the Eastern Time Zone in Indiana.

*Whereas, The Uniform Time Act of 1966 (15 U.S.C. 260 et seq.) delegates to the Secretary of the United States Department of Transportation the responsibility for designating standard time zones in the United States;*

*Whereas, Requests for changes in the designated time zones must be made by a local unit of government or a state government to the Secretary of the United States Department of Transportation;*

*Whereas, The Secretary of the United States Department of Transportation may make changes in time zone boundaries, subject to public hearings in the communities affected, at the request of a public body;*

*Whereas, The time that should be observed in Indiana has been a continuing issue of controversy in Indiana; and*

*Whereas, The General Assembly finds that it would be in the best interests of the citizens of Indiana to be located in the Central Time Zone, except that the citizens of southeast Indiana should be given the option of remaining in the Eastern Time Zone: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the United States Department of Transportation is urged to initiate proceedings under the Uniform Time Act of 1966 to hold hearings in the appropriate locations in Indiana on the question of whether all of Indiana, except counties in southeastern

Indiana that choose to remain in the Eastern Time Zone, should be located in the Central Time Zone.

SECTION 2. That the Clerk of the House of Representatives send a certified copy of this resolution to the Secretary of the United States Department of Transportation as an official expression of opinion by and a request of the 112th Indiana General Assembly.

The resolution was read a first time and referred to the Committee on Public Policy, Ethics and Veterans Affairs.

### House Resolution 11

Representatives Ruppel, T. Brown, Thompson, Friend, and Cherry introduced House Resolution 11:

A HOUSE RESOLUTION honoring Karissa Hedrick, the 2000-2001 Future Farmers of America State Secretary.

*Whereas, Karissa Hedrick is the daughter of Jim and Trudie Hedrick;*

*Whereas, Karissa will serve the over 9,000 members in the Indiana FFA Association;*

*Whereas, Karissa served as the Carroll @ Flora FFA Chapter President, Secretary and Historian;*

*Whereas, Karissa also served as the District V Vice-President and Treasurer;*

*Whereas, Karissa has participated in the Livestock, Crops and Soils Career Development Events;*

*Whereas, Karissa has been involved in Public Speaking, Agricultural Issues Forum, and Female Ag Ambassador on the state level;*

*Whereas, Karissa was also involved in getting the PALS program started at Carroll;*

*Whereas, Karissa is involved in a Sheep partnership with a local sheep producer in Clinton County; this partnership serves as her Supervised Agriculture Experience program and also provides her with lambs for 4-H;*

*Whereas, Karissa assists her family on the family farm;*

*Whereas, Karissa was involved in many organizations and clubs throughout her four years in high school, including Sunshine Society, Spanish Club along with a ten-year membership in 4-H;*

*Whereas, During her year of service, Karissa will travel more than 30,000 miles to promote and enhance agriculture education and the FFA and will also meet with government, education, business and agriculture leaders;*

*Whereas, Karissa, while traveling the state will speak to over 6,000 students as well as many public groups, present 10 workshops and camps, and participate in a statewide business and industry tour meeting with members on the local, state and national levels;*

*Whereas, After Karissa's term as an officer, she plans to attend Purdue University and major in Agricultural Sales and Marketing; and*

*Whereas, Karissa's career goal is to one day be the head of Human Resources for a large agricultural corporation: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. The House of Representatives of the Indiana General Assembly honors Karissa Hedrick, the 2000-2001 Indiana FFA State Secretary.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Karissa Hedrick and her family.

The resolution was read a first time and adopted by voice vote.

### House Resolution 12

Representatives Ruppel, Herndon, Friend, and Cherry introduced House Resolution 12:

A HOUSE RESOLUTION honoring Rajean Robertson, the 2000-2001 Future Farmers of America State Treasurer.

*Whereas, Rajean Robertson is the daughter of Jim and Teresa Robertson of rural Shelby County;*

*Whereas, Rajean will serve the over 9,000 members in the Indiana FFA Association;*

*Whereas, Rajean has served the Southwestern FFA Chapter as the treasurer and reporter;*

*Whereas, Rajean has served District VIII as the President and the Reporter;*

*Whereas, Rajean has been very active in many different activities and contests such as female leadership ambassador, creed speaking contest, and essay writing contest;*

*Whereas, Rajean has participated in soils evaluation and dairy judging;*

*Whereas, Rajean has received honors such as Valedictorian of her class, Ben Drodgy Mental Attitude, Star Chapter Farmer, District Sheep Production Proficiency winner;*

*Whereas, Rajean's supervised agricultural experience (SAE) has been built on her sheep project that started with 4-H;*

*Whereas, Rajean learned many valuable skills while working with her SAE, including learned management skills that include balancing feed ratios, medical treatment of ewes and lambs, and identifying for traits that will increase breed character;*

*Whereas, While attending Southwestern Jr/Sr High School, Rajean participated in various varsity sports, including four years of cross country and track where she received the best mental attitude award and captain honors in cross country; she was also a part of the high school band for six years;*

*Whereas, Rajean also took part in the varsity club, Shelby County Sheep Producers, 4-H, and Junior Leaders while in school;*

*Whereas, Rajean is excited about traveling nearly 30,000 miles serving the state of Indiana promoting agriculture education and the FFA; she will represent the Indiana FFA by meeting with government, education, business and agriculture leaders;*

*Whereas, Rajean, while traveling the state will speak to over 6,000 students as well as many public groups presenting workshops and camps, and participate in a statewide business and industry tour meeting with members on the local, state, and national levels;*

*Whereas, Upon completion of her term as a state officer, Rajean will attend Indiana State University where she has plans to obtain a degree in elementary education with an endorsement in special education; she then plans to begin teaching in a small community school corporation; and*

*Whereas, Rajean is supported by scholarships such as the Indiana State Alumni, Hoosier Boys/Girls State, and Sam Walton Community Foundation: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. The House of Representatives of the Indiana General Assembly honors Rajean Robertson, the 2000-2001 Indiana FFA State Treasurer.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Rajean Robertson and her family.

The resolution was read a first time and adopted by voice vote.

### House Resolution 13

Representatives Ruppel, Leuck, Friend, and Cherry introduced House Resolution 13:

A HOUSE RESOLUTION honoring Kim Hall, the 2000-2001 Indiana Future Farmers of America State President.

*Whereas, Kim Hall is the daughter of Kent and Mandy Hall;*

*Whereas, Kim, along with six other state officers will serve the over 9,000 members of the Indiana FFA Association;*

*Whereas, Kim served the Tri-County FFA Chapter as the President, Reporter and student development committee chair and also served as the District 1 Treasurer and Section 1 Director;*

*Whereas, Kim has been active in many leadership contests, including Ag Sales Demonstration, Ag Issues Forum, Job Interview and Leadership Ambassador Contest, which all advanced to the state level;*

*Whereas, Kim has been on the Tri-County Parliamentary Procedure Team for four years, 3 of which advanced to State;*

*Whereas, For her efforts, Kim has been rewarded with the Purdue School of Agriculture Junior Scholar Award and the DeKalb Leadership Award;*

*Whereas, Kim's Supervised Agriculture Experience Program involved working for the Wolcott Veterinary Clinic, which while there she sterilized all equipment and packed post mortem kits; Kim was also in charge of producing 13 prescription swine medications;*

*Whereas, Kim was involved in many activities outside of FFA while in high school, including serving as the Princeton Ag. 4-H club president for two years, as well as the President of the Sacred Heart CYO; at Tri-County Kim was active on the Varsity Volleyball team for three years as well as a four year member of the Sunshine Society and a one year member of the National Honor Society; she also served her class as President and Vice President;*

*Whereas, During her year of service, Kim will travel more than 30,000 miles to promote and enhance agriculture education and the FFA and will also meet with government, education, business and agriculture leaders;*

*Whereas, Kim, while traveling the state will speak to over 6,000 students as well as many public groups, present 10 workshops and camps, and participate in a statewide business and industry tour meeting with members on the local, state and national levels;*

*Whereas, Upon her year of service to the Indiana Association, Kim has been accepted to Purdue University where she plans on majoring in Ag Communications; and*

*Whereas, Kim was the recipient of the Tri-County FFA Connections Scholarship, Gertrude O'Connor and Jerome Joseph Scholarships: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

**SECTION 1.** The House of Representatives of the Indiana General Assembly honors Kim Hall, the 2000-2001 Indiana FFA State President.

**SECTION 2.** That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Kim Hall and her family.

The resolution was read a first time and adopted by voice vote.

#### **House Resolution 14**

Representatives Ruppel, Wolkins, Friend, and Cherry introduced House Resolution 14:

**A HOUSE RESOLUTION** honoring Justin Moneyheffer, the 2000-2001 Future Farmers of America State Sentinel.

*Whereas, Justin Moneyheffer is the son of Jim and Cheryl Moneyheffer;*

*Whereas, Justin will serve the over 9,000 members in the Indiana FFA Association ;*

*Whereas, Justin is from Warsaw, Indiana and served the Warsaw FFA as the Chapter Sentinel and leader of the chapter and also served as District II Sentinel;*

*Whereas, Justin has excelled in CDE's ranging from Dairy Foods Evaluation to Dairy Cattle Evaluation;*

*Whereas, In the Dairy Foods contest, he has placed 4th as an individual and was a member of the state winning team;*

*Whereas, Justin has been to a national contest for Dairy Cattle evaluation for the last three years;*

*Whereas, Justin placed high in the individual standings at this year's state contest, having placed 1st in the Male Leadership Ambassador contest at the 2000 State Convention;*

*Whereas, Justin started his Supervised Agriculture Experience program with a few Holstein heifers and has now expanded to over 30 cows and 28 heifers, while marketing over 30 veal calves each year;*

*Whereas, Justin has been active in a variety of organizations such as Indiana Junior Holstein Association, Varsity football and track and has completed his 10th year of 4-H where he was involved in the Dairy Club and Junior Leaders;*

*Whereas, During his year of service, Justin will travel more than 30,000 miles to promote and enhance agriculture education and the FFA and will also meet with government, education, business and agriculture leaders;*

*Whereas, Justin, while traveling the state, will speak to over 6,000 students as well as many public groups, present 10 workshops and camps, and participate in a statewide business and industry tour meeting with members on the local, state and national levels; and*

*Whereas, At the conclusion of the year, Justin plans to attend Indiana-Purdue Fort Wayne Campus and upon graduation with a degree from Purdue University, he plans to return to the family dairy and continue the tradition of dairying with the enthusiasm and excitement to make the farm even more successful than it already is today: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

**SECTION 1.** The Indiana General Assembly honors Jason Moneyheffer, the 2000-2001 Indiana FFA State Sentinel.

**SECTION 2.** That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Jason Moneyheffer and his family.

The resolution was read a first time and adopted by voice vote.

#### **House Resolution 15**

Representatives Ruppel, Friend, and Cherry introduced House Resolution 15:

**A HOUSE RESOLUTION** honoring Liza Moore, the Indiana Future Farmers of America State Northern Region Vice President.

*Whereas, Liza Moore is the daughter of Stan and Dee Mari Moore;*

*Whereas, Liza, along with six other state officers, will serve the over 9,000 members in the Indiana FFA Association;*

*Whereas, Liza served the Whitko FFA as chapter President and Vice President and also served as District II President and Sentinel;*

*Whereas, Liza actively participated in Career Development Events, being a member of two state winning livestock evaluation teams, including the National Championship team in Harrisburg, Pennsylvania;*

*Whereas, Liza was also a member of the 2000 state winning Meats Evaluation Team where in the leadership contest area, she was the state winner in Prepared Public Speaking; Extemporaneous Speaking and Female Leadership Ambassador, as well as the district winner in Horticulture demonstration;*

*Whereas, Liza was awarded 2nd place nationally in Extemporaneous Speaking;*

*Whereas, Liza has also been presented with several honors including the DeKalb Leadership Award;*

*Whereas, Liza's Supervised Agricultural Experience consists of a swine entrepreneurship program developed through her experiences on her family hog farm and showing 4-H livestock;*

Whereas, Liza was a member of numerous school and community activities while in high school, including National Honor Society, Who's Who Among American High School Students, Whitko Art Club and the Kosciusko Youth Leadership Academy; she also held offices ranging from secretary to vice president during her ten years as a member of the Cleveland Southern Showmen 4-H club;

Whereas, During her year of service, Liza will travel more than 30,000 miles to promote and enhance agriculture education and the FFA and will also meet with government, education, business and agricultural leaders;

Whereas, Liza, while traveling the state, will speak to over 6,000 students as well as many public groups, present 10 workshops and camps, and participate in a statewide business and industry tour meeting with members on the local, state and national levels;

Whereas, Liza, after completing her term as an officer, plans to attend Purdue University and major in Environmental Science; and

Whereas, Liza has received many scholarships including a National FFA scholarship worth \$3,000: Therefore,

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. The Indiana General Assembly honors Liza Moore, the 2000-2001 Indiana FFA State Northern Region Vice President.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Liza Moore and her family.

The resolution was read a first time and adopted by voice vote.

### House Resolution 16

Representatives Ruppel, M. Smith, Friend, and Cherry introduced House Resolution 16:

A HOUSE RESOLUTION honoring Kyle Kohlhausen, the 2000-2001 Indiana Future Farmers of America State Reporter.

Whereas, Kyle's very supportive parents are Richard and Carol Kohlhausen;

Whereas, Kyle Kohlhausen will serve the over 9,000 members of the Indiana FFA Association;

Whereas, Kyle served the Rensselaer FFA Chapter as the Chapter President and two years as Chapter Secretary;

Whereas, Kyle has also been able to serve as the District I President and Reporter;

Whereas, Kyle had the opportunity to work in the new FFA building at the 1999 State Fair as an Agricultural Value-Added Product Country Market Specialist;

Whereas, Within his home chapter, Kyle initiated a Recruitment Day and Supporters' Breakfast for FFA Week;

Whereas, While receiving top placings in the Crops CDE on all levels, he has also participated in Dairy and Dairy Foods CDE;

Whereas, Kyle competed and placed fourth with his team at the National Soils Contest in Oklahoma City;

Whereas, Kyle advanced to State in both Quiz Bowl and Extemporaneous Speaking and placed second in Outstanding Achievement in Public Relations;

Whereas, Growing up on a 3,000-acre family farm, Kyle has developed a love for agriculture;

Whereas, Kyle's Supervised Agricultural Experience Program has grown in both scope and diversity; beyond the normal working with cattle and hauling grain, his enterprise of fruits and vegetables includes pumpkins, raspberries, sweet corn, and strawberries;

Whereas, Kyle has been honored as the District I Star Farmer and placed second in the Fruit and/or Vegetable Proficiency at state for two years;

Whereas, Kyle has taken an active role in his school and community as a regular member of the First Reformed Church of Demotte and as Junior Leader President and Secretary, as 4-H Club

President and Treasurer for two years while actively participating in Fellowship of Christian Students, National Honor Society, Students Against Drinking and Driving, and the Academic Superbowl Team;

Whereas, During his year of service, Kyle will travel more than 30,000 miles to promote and enhance agriculture education and the FFA and will also meet with government, education, business and agriculture leaders;

Whereas, Kyle, while traveling the state, will speak to over 6,000 students as well as many public groups, present 10 workshops and camps, and participate in a statewide business and industry tour meeting with members on the local, state and national levels;

Whereas, Following his term as an officer, Kyle plans to attend Purdue University and dual major in Agricultural Economics and Agricultural Education; and

Whereas, Kyle received a National FFA Scholarship of \$1,000: Therefore,

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. The House of Representatives of the Indiana General Assembly honors Kyle Kohlhausen, the 2000-2001 Indiana FFA State Reporter.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Kyle Kohlhausen and his family.

The resolution was read a first time and adopted by voice vote.

### House Resolution 17

Representatives Ruppel, Duncan, Friend, and Cherry introduced House Resolution 17:

A HOUSE RESOLUTION honoring Erin Menchhofer, the 2000-2001 Indiana Future Farmers of America State Southern Region Vice-President.

Whereas, Erin Menchhofer is the daughter of Glen Menchhofer and Joan Menchhofer;

Whereas, Erin will serve the over 9,000 members in the Indiana FFA Association;

Whereas, Erin served the Jac-Cen-Del FFA, her former chapter, as the Secretary and Treasurer;

Whereas, Erin has also served as the District XII Secretary;

Whereas, Erin has been active in career development events such as Soils and Livestock Evaluation;

Whereas, Erin was involved with "Rugrats in the Garden," a Switzerland County FFA program designed to help elementary students learn about seeds and planting flowers;

Whereas, Erin was the recipient of the Gary Welch Scholarship, an Indiana 4-H Foundation Scholarship, Napoleon VFW #9987 Scholarship, District Extemporaneous Public Speaking winner, District Agricultural Issues winner, and 2nd place State Talent;

Whereas, Erin produces registered Suffolk sheep for her 4-H project and her Supervised Agricultural Experience program and has also been involved with raising registered Black Angus cattle, registered Mini Rex rabbits, swine and ducks;

Whereas, Erin was a member of numerous extracurricular and community organizations and clubs throughout her four years of high school, including the National Honor Society, FFA, German Club, Student Council, Sunshine Society, and Pep Club;

Whereas, Erin was a member of 4-H, Southeastern Indiana Sheep Breeders Association, Indiana Rabbit Breeders Association, American Rabbit Breeders Association, Indiana Mini Rex Specialty Club, American Junior Angus Association, and Catholic Youth Organization;

Whereas, During her year of service, Erin will travel more than 30,000 miles to promote and enhance agriculture education and the FFA and will also meet with government, education, business and agriculture leaders;

*Whereas, Erin, while traveling the state, will speak to over 6,000 students as well as many public groups, present 10 workshops and camps, and participate in a statewide business and industry tour meeting with members on the local, state and national levels;*

*Whereas, After Erin's term as a state officer, she plans to attend Purdue University and major in Agricultural Economics and hopes to one day build a career focused on sales and marketing; and*

*Whereas, Erin also plans on continuing her work on Suffolk sheep breeding with her younger sister on their family farm, the Double M Farms: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana:*

SECTION 1. The Indiana General Assembly honors Erin Menchhofer, the 2000-2001 Indiana FFA State Southern Region Vice-President.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Erin Menchhofer and her family.

The resolution was read a first time and adopted by voice vote.

### Senate Concurrent Resolution 23

The Speaker handed down Senate Concurrent Resolution 23, sponsored by Representatives Kersey and Tincher:

A CONCURRENT RESOLUTION to commend the March of Dimes organization for its valiant advocacy of infant health issues.

*Whereas, The mission of the March of Dimes, a national non-profit organization, is to bring us closer to the day when all babies will be born healthy;*

*Whereas, Four major problems threaten the health of America's babies: birth defects, infant mortality, low birth weight, and lack of prenatal care;*

*Whereas, Over its 63 year history, the March of Dimes has saved millions of babies from death or disability, including many babies born in Indiana;*

*Whereas, On an average day in America, 411 babies are born with birth defects, and 18 babies die as a result of birth defects;*

*Whereas, The nation's hopes for ensuring that the children of future generations get a healthy start in life depend upon accurate and timely identification and monitoring of birth defects; and*

*Whereas, The March of Dimes has been a pioneer in preventing birth defects through programs of research, community services, education, and advocacy: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly commends the efforts of the March of Dimes and its many volunteers for its continuing fight to improve infant life.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the March of Dimes.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1040, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 2.

GOODIN, Vice Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1099, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE SEPTEMBER 1, 2001]".

Page 1, line 5, after "a" insert "**Class II or**".

Page 1, delete lines 7 through 10.

Page 1, line 11, delete "3." and insert "**4.**".

Page 1, line 13, delete "4." and insert "**3.**".

Page 1, line 14, after "a" insert "**Class II or**".

Page 1, line 16, delete "5." and insert "**4.**".

Page 1, line 16, delete "If a train operated by a railroad company in" and insert "**A railroad company operating in Indiana shall establish a counseling or trauma program and provide or make available counseling or critical incident stress debriefing services to each operating crew member of a train that is:**

**(1) operated by the railroad company in passenger, freight, or yard service; and**

**(2) involved in an accident that results in death or serious bodily injury."**

Page 1, delete line 17.

Page 2, delete lines 1 through 4.

Page 2, line 5, delete "If a train operated by a railroad company in passenger," and insert "**A railroad company operating in Indiana shall file a description of the railroad company's counseling or trauma program required under subsection (a) with the Indiana department of transportation, whose sole responsibility under this section is to receive the descriptions and make the descriptions available to the public in accordance with IC 5-14-3."**

Page 2, delete lines 6 through 10.

Page 2, line 11, delete "If an operating crew member requests an extension of the" and insert "**Before a railroad company implements one (1) or more changes to the railroad company's counseling or trauma program required under subsection (a), the railroad company must file with the Indiana department of transportation a revised description of the program that includes the changes."**

Page 2, delete lines 12 through 27.

(Reference is to HB 1099 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

GOODIN, Vice Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1105, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Page 1, line 14, delete "7" and insert "**8**".

Page 2, line 4, delete "activities." and insert "**of technology graduates."**

Page 2, line 5, after "Sec. 5." insert "**As used in this chapter, "technology" includes the following:**

**(1) Advanced manufacturing.**

**(2) Biotechnology and life sciences.**

**(3) Information technology.**

**(4) Manufacturing technology.**

**(5) Polymers and material sciences.**

**Sec. 6. "**

Page 2, line 10, delete "6." and insert "**7.**".

Page 2, line 14, delete "7." and insert "**8.**".

Page 2, line 28, delete "8." and insert "**9.**".

Page 3, line 3, after "(3)" insert "**The participation of Indiana technology based businesses in alumni events at targeted schools to**

interact with technology graduates who have technology based degrees from the targeted school.

**(4) The participation of Indiana technology based businesses in marketing strategies targeting technology graduates who have technology based degrees from targeted schools but who are not employed by an Indiana technology based business.**

**(5) "**

Page 3, line 5, delete "(4)" and insert "**(6)**".

Page 3, line 8, delete "(5)" and insert "**(7)**".

Page 3, line 11, delete "(6)" and insert "**(8)**".

Page 3, line 13, delete "(7)" and insert "**(9)**".

Page 3, line 15, delete "(8)" and insert "**(10)**".

Page 3, line 18, delete "(9)" and insert "**(11)**".

Page 3, line 20, delete "(10)" and insert "**(12)**".

Page 3, line 21, delete "9." and insert "**10.**".

Page 3, line 40, delete "10." and insert "**11.**".

Page 4, line 10, delete "9" and insert "**10**".

Page 4, delete lines 20 through 36.

Page 4, between lines 36 and 37, begin a new paragraph and insert:  
**"SECTION 3. [EFFECTIVE UPON PASSAGE] After implementing the technology talent program under IC 4-4-30, as added by this act, the department of commerce shall make at least one (1) grant to the:**

**(1) East Central Indiana technology transfer program; and**

**(2) Southwestern Indiana technology transfer program;**

**for their use in establishing and operating technology talent programs."**

Page 4, line 38, delete "IC 4-4-30-9(a)" and insert "**IC 4-4-30-10(a)**".

Page 4, line 42, delete "IC 4-4-30-10(b)" and insert "**IC 4-4-30-11(b)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1105 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

FRY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1264, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 11, delete "(1,000)" and insert "**five hundred (1,500)**".

Page 3, line 12, delete "25" and insert "**26**".

Page 4, between lines 29 and 30, begin a new paragraph and insert:

**"Section 15. (a) This chapter does not grant a right of family leave to an employee who is among the highest paid ten percent (10%) of the employees employed by the employer, if the employer believes that to grant family leave to the employee would cause substantial and grievous economic injury to the operations of the employer.**

**(b) In order for the employer to deny a period of family leave to the employee, the employer must notify the employee of the denial of family leave at the time that the family leave is requested under section 20 of this chapter."**

Page 4, line 30, delete "15" and insert "**16**".

Page 4, line 37, delete "16" and insert "**17**".

Page 5, line 2, delete "17" and insert "**18**".

Page 5, line 15, delete "18" and insert "**19**".

Page 5, line 23, delete "19" and insert "**20**".

Page 5, line 38, delete "20" and insert "**21**".

Page 6, line 29, delete "21" and insert "**22**".

Page 6, line 35, delete "17" and insert "**18**".

Page 6, line 36, delete "19" and insert "**20**".

Page 6, line 39, delete "Application" and insert "**Except as provided in section 15 of this chapter, application**".

Page 7, line 5, delete "22" and insert "**23**".

Page 7, line 6, delete "21" and insert "**22**".

Page 7, line 22, delete "19" and insert "**20**".

Page 7, line 27, delete "23" and insert "**24**".

Page 7, line 28, delete "24" and insert "**25**".

Page 7, line 34, delete "24" and insert "**25**".

Page 8, line 1, delete "25" and insert "**26**".

Page 8, line 5, delete "26" and insert "**27**".

Page 8, line 10, delete "27" and insert "**28**".

Page 8, line 22, delete "28" and insert "**29**".

Page 8, line 24, delete "29" and insert "**30**".

Page 8, line 25, delete "30" and insert "**31**".

Page 9, line 1, delete "31" and insert "**32**".

Page 9, line 5, delete "22" and insert "**23**".

(Reference is to HB 1264 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 5.

FRY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1386, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 14, delete "," and insert "**.**".

Page 2, strike lines 15 through 16.

(Reference is to HB 1386 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

GOODIN, Vice Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1576, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "(a)" insert "**This section does not apply to the extent that it violates or is preempted by federal law.**

**(b) "**

Page 2, delete lines 1 through 5.

Page 2, line 6, delete "After the hearing, the" and insert "**The**".

Page 2, between lines 10 and 11, begin a new paragraph and insert:

**"(d) A carrier operating in Indiana who willfully violates this section is liable to the department for one (1) of the following penalties:**

**(1) For the first violation, a penalty of at least one hundred dollars (\$100) and not more than five hundred dollars (\$500).**

**(2) For a second violation that occurs not later than three (3) years after the first violation, a penalty of at least five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).**

**(3) For a third violation that occurs not later than three (3) years after the first violation, a penalty of at least one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000).**

**(4) For a fourth violation that occurs not later than three (3) years after the first violation, a penalty of at least five thousand dollars (\$5,000) and not more than ten thousand dollars (\$10,000).**

**A penalty under this section shall be recovered through a legal action brought by the attorney general, or under the direction of the attorney general, in the name of the state of Indiana on relation of the Indiana department of transportation in the circuit or superior court with jurisdiction in a county through which the railroad is run or operated."**

Page 2, line 11, delete "(d)" and insert "**(e)**".

(Reference is to HB 1576 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 3.

GOODIN, Vice Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1635, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

SUMMERS, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1671, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

FRY, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1779, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, after "the" insert "**deputy consumer counselor for**".  
 Page 1, line 4, delete "**utility advocate**".  
 Page 2, line 8, delete "shall" and insert "**may**".  
 Page 2, line 8, after "a" insert "**deputy consumer counselor for**".  
 Page 2, line 8, delete "business utility advocate." and insert "**business.**".  
 Page 2, line 10, after "the" insert "**deputy consumer counselor for**".  
 Page 2, line 10, delete "business utility advocate." and insert "**business.**".  
 Page 2, line 11, after "The" insert "**deputy consumer counselor for**".  
 Page 2, line 11, delete "utility advocate".  
 Page 2, line 19, after "The" insert "**deputy consumer counselor for**".  
 Page 2, line 19, delete "utility advocate".  
 Page 2, line 23, after "of the" insert "**deputy consumer counselor for**".  
 Page 2, line 23, delete "business utility advocate." and insert "**business.**".  
 Page 2, line 30, after "Commission," insert "**the Federal Communications Commission,**".  
 Page 2, line 30, after "bodies." delete "The".  
 Page 2, delete lines 31 through 37.  
 Page 2, line 38, delete "(7)" and insert "**(6)**".  
 Page 3, line 1, after "The" insert "**deputy consumer counselor for**".  
 Page 3, line 1, delete "utility advocate".  
 Page 3, line 10, after "(h) The" insert "**deputy consumer counselor for**".  
 Page 3, line 10, delete "utility advocate".  
 Page 3, line 20, after "(i) The" insert "**deputy consumer counselor for**".  
 Page 3, line 20, delete "utility advocate".  
 Page 3, line 24, after "duties of the" delete "office of the" and insert "**deputy consumer counselor for**".  
 Page 3, line 24, delete "business utility" and insert "**business.**".  
 Page 3, line 25, delete "advocate".  
 Page 3, line 25, after "of the" insert "**deputy consumer counselor for**".  
 Page 3, line 25, delete "utility advocate".  
 Page 3, line 30, after "(j) The" insert "**deputy consumer counselor for**".  
 Page 3, line 30, delete "utility advocate".  
 Page 4, line 3, delete "regular staff of the office of the" and insert "**deputy consumer counselor for**".

Page 4, line 4, delete "utility advocate".

Page 4, line 4, after "by the" insert "**deputy consumer counselor for**".

Page 4, line 5, delete "utility advocate".

Page 4, line 9, after "the" insert "**deputy consumer counselor for**".

Page 4, line 9, delete "utility advocate".

Page 4, line 12, delete "office of" and insert "**deputy consumer counselor for**".

Page 4, line 13, delete "utility advocate".

Page 4, delete lines 19 through 25.

Renumber all SECTIONS consecutively.

(Reference is to HB 1779 as introduced)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 3.

FRY, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1788, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 5.

FRY, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1799, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

SUMMERS, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 2034, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Page 1, line 4, delete "means an organization that provides a" and insert "**has the meaning set forth in IC 16-19-13-6(a).**".

Page 1, delete lines 5 through 7.

Page 1, line 10, after "(a)" insert "**As used in this section, "rape crisis center" means an organization that provides a full continuum of services, including hotlines, victim advocacy, and supportive services from the point of entry through the completion of healing, to victims of sexual assault.**

**(b)".**

Page 1, line 16, after "centers." insert "**The fund consists of:**

**(1) amounts transferred to the fund under IC 33-19-6-18;**

**(2) any appropriations to the fund from other sources;**

**(3) grants, gifts, and donations intended for deposit in the fund; and**

**(4) interest that accrues from money in the fund."**

Page 1, line 17, delete "(b)" and insert "**(c)**".

Page 2, line 3, delete "(c)" and insert "**(d)**".

Page 2, line 6, delete "(d)" and insert "**(e)**".

Page 2, delete lines 8 through 29, begin a new paragraph and insert: "**SECTION 3. IC 33-19-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).**

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A marijuana eradication program fee.
- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) A drug abuse, prosecution, interdiction, and correction fee.
- (6) An alcohol and drug countermeasures fee.
- (7) A child abuse prevention fee.
- (8) A domestic violence prevention and treatment fee.
- (9) A highway work zone fee.
- (10) A deferred prosecution fee (IC 33-19-6-16.2).
- (11) A sexual assault victims assistance fee.**

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.
- (3) The alcohol and drug services program user fee.
- (4) The law enforcement continuing education program fee.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

- (1) First, the clerk shall apply the partial payment to general court costs.
- (2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.
- (3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.
- (4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.
- (5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

**SECTION 4. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) This section applies to criminal actions.**

**(b) The court shall assess a sexual assault victims assistance fee of at least two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000) against an individual convicted in Indiana of any of the following offenses after June 30, 2001:**

- (1) Rape (IC 35-42-4-1).**
- (2) Criminal deviate conduct (IC 35-42-4-2).**
- (3) Child molesting (IC 35-42-4-3).**
- (4) Child exploitation (IC 35-42-4-4(b)).**
- (5) Vicarious sexual gratification (IC 35-42-4-5).**
- (6) Child solicitation (IC 35-42-4-6).**
- (7) Child seduction (IC 35-42-4-7).**
- (8) Sexual battery (IC 35-42-4-8).**
- (9) Sexual misconduct with a minor as a Class A or Class B felony (IC 35-42-4-9).**
- (10) Incest (IC 35-46-1-3).**
- (11) Sexual battery (IC 35-42-4-8).**

**(c) In determining the amount of the sexual assault victims assistance fee assessed against a person under subsection (b), the court shall consider the person's ability to pay the fee.**

**(d) The clerk shall transfer a fee collected under this section, within thirty (30) days after the fee is collected, to the office of women's health established by IC 16-19-13 for deposit by the office in the sexual assault victims assistance fund established under IC 16-19-13-6."**

Renumber all SECTIONS consecutively.  
(Reference is to HB 2034 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: yeas 10, nays 0.

SUMMERS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 2115, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 1.

SUMMERS, Chair

Report adopted.

The House recessed until the fall of the gavel.

#### RECESS

The House reconvened with the Speaker in the Chair.

#### HOUSE BILLS ON SECOND READING

The following bills were called down by their respective authors, were read a second time by title, and, there being no amendments, were ordered engrossed: House Bills 1022, 1089, 1111, 1123, 1152, 1217, 1229, 1230, 1249, 1360, 1407, 1424, 1452, 1469, 1484, 1556, 1574, 1611, 1627, 1628, 1629, 1639, 1647, 1837, 1845, 1893, 1908, 1949, 1951, 1958, 1962, 1977, 2009, 2037, 2042, 2108, and 2131.

#### House Bill 1095

Representative Cook called down House Bill 1095 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1095-4)

Mr. Speaker: I move that House Bill 1095 be amended to read as follows:

Page 5, between lines 17 and 18, begin a new paragraph and insert:  
**SECTION 6. IC 9-18-31-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. The fees collected under this chapter shall be distributed as follows:**

~~(1) Through December 31, 2001, twenty-five~~ **Twenty-five** percent (25%) to the superintendent of public instruction to administer the school intervention and career counseling development program and fund under IC 20-10-1-28.

~~(2) Through December 31, 2001, seventy-five~~ **Seventy-five** percent (75%); ~~and beginning January 1, 2002, one hundred percent (100%); (75%)~~ as provided under section 7 of this chapter.

Renumber all SECTIONS consecutively.  
(Reference is to HB 1095 as printed February 9, 2001.)

RUPPEL

Motion prevailed.

#### HOUSE MOTION (Amendment 1095-2)

Mr. Speaker: I move that House Bill 1095 be amended to read as follows:

Page 5, between lines 17 and 18, begin a new paragraph and insert:  
**SECTION 6. IC 9-18-46.2-6, AS ADDED BY P.L.222-1999, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies with regard to a state**



educational institution trust license plate supporting a state educational institution in a year following a year:

- (1) in which at least ten thousand (10,000) of the state educational institution trust license plates are sold or renewed; and
- (2) beginning after December 31, 1998.

(b) The treasurer of state shall establish a special account within a trust fund for each state educational institution described in subsection (a)(1).

(c) The bureau shall require a person who purchases a state educational institution trust license plate under this section to designate the state educational institution the person chooses to receive the annual fee that the person pays under section 5(2) of this chapter as the corresponding state educational institution designated in section 4 of this chapter.

(d) The treasurer of state shall deposit the annual fee collected under section 5(2) of this chapter into a special account within a trust fund for the state educational institution designated by the purchaser in subsection (c).

(e) The treasurer of state shall invest the money in the special account not distributed in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the special account.

(f) The auditor of state monthly shall distribute the money from the special account to the state educational institution's authorized alumni association.

(g) Money in the special account at the end of a state fiscal year does not revert to the state general fund.

(h) The bureau shall maintain a sufficient supply of the state educational institution trust license plates in each branch and partial service walk-up location to provide a plate to a purchaser at the time of sale.

~~(i) A person who purchases a state educational institution trust license plate shall at the time of purchase or renewal of the state educational institution trust license plate give written consent for the release of the name and address of the purchaser solely for the purpose of acknowledgment of purchase of the state educational institution trust license plate to a representative designated and authorized to receive the personal information by the state educational institution."~~

Renummer all SECTIONS consecutively.

(Reference is to HB 1095 as printed February 9, 2001.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

## House Bill 1181

Representative Fry called down House Bill 1181 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1181-8)

Mr. Speaker: I move that House Bill 1181 be amended to read as follows:

Page 1, line 4, after "jurisdiction" insert **"or the department of public utilities created under IC 8-1-11.1"**.

Page 3, line 38, after "jurisdiction" insert **"or the department of public utilities created under IC 8-1-11.1"**.

(Reference is to HB 1181 as printed February 9, 2001.)

FRY

Representative Mannweiler was excused from voting. Motion prevailed.

HOUSE MOTION  
(Amendment 1181-12)

Mr. Speaker: I move that House Bill 1181 be amended to read as follows:

Page 1, line 14, delete **"(d)"** insert **"(c) or (e)"**.

Page 1, line 15, after **"(c)"** insert **"Except as provided in subsection (d) of this section, the"** and delete **"The"**.

Page 1, line 17, delete **"(c)"** and insert **"(b)"**.

Page 2, line 8, before **"revenue"** insert **"regulated"**, and after

**"revenue"** insert **"derived from the regulated activity"**.

Page 2, between lines 18 and 19, begin a new line block indented and insert:

**"(6) The civil penalty imposed under this section shall not exceed two million five hundred thousand dollars (\$2,500,000) per calendar month."**

Page 2, between lines 18 and 19 insert:

**"No utility shall be subject to both a penalty under this section and a penalty under a commission approved settlement agreement for the same violation or noncompliance. If the commission approves a settlement agreement that includes penalties or remedies for noncompliance with specific provisions of the settlement agreement, then the remedies provided in this section shall not apply to those violations or noncompliance during the lifetime of the settlement agreement."**

Page 2, line 36, delete **"(d)"** and insert **"(c)"**.

Page 2, line 37, delete **"(d)(1) or (d)(2)"** and insert **"(c)(1) or (c)(2)"**.

Page 4, line 12, after **"Indiana"** insert **"The reasonable performance bond shall not exceed two million dollars (\$2,000,000)."**

(Reference is to HB 1181 as printed February 9, 2001.)

YOUNT

Representative Mannweiler was excused from voting. Motion prevailed.

HOUSE MOTION  
(Amendment 1181-13)

Mr. Speaker: I move that House Bill 1181 be amended to read as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 18.

Page 2, between lines 18 and 19, begin a new subparagraph and insert:

**"SECTION 1. IC 8-1-2-109 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 109. (a) A public utility that violates this chapter, or fails to perform any duty enjoined upon it, for which a penalty is not otherwise provided, commits a Class B infraction. is subject to the following:**

**(1) a penalty of up to twenty-five thousand dollars (\$25,000) for each violation found by the commission.**

**(2) a penalty of not more than three percent (3%) of the annual gross intrastate operating regulated revenue derived from the regulated activity of the utility. A utility's gross intrastate regulated revenue derived from the regulated activity of the utility shall be determined from the most recent public utility annual report filed under IC 8-1-6-5.**

**(3) For purposes of this section, the commission may consider each day a violation occurs to be a separate violation. The penalty imposed under this section shall not exceed two million five hundred dollars (\$2,500,000) per calendar month.**

**(b) The attorney general may bring an action in the name of the state of Indiana to recover penalties imposed under this section in accordance with the procedure set forth in section 115 of this chapter.**

**(c) No utility shall be subject to both a penalty under this section and a penalty under a commission approved settlement agreement for the same violation or noncompliance. If the commission approves a settlement agreement that includes penalties or remedies for noncompliance with specific provisions of the settlement agreement, then the remedies provided in this section shall not apply to those violations or noncompliance during the lifetime of the settlement agreement."**

Page 2, delete lines 27 through 39.

Page 2, line 40, delete **"(h)"** and insert **"(f)"**

Page 3, line 6, delete **"(i)"** and insert **"(g)"**

Page 3, line 7, delete **"follows:"** and insert **"follows"**.

Page 3, line 8, delete **"(1)"**.

Page 3, line 8, delete **"directly"**.

Page 3, line 9, after **"to"** insert **"all"**.

Page 3, run in lines 7 through 10.

Page 3, delete lines 11 through 31.

Page 3, line 32, delete **"(m)"** and insert **"(h)"**.

Page 3, delete lines 35 through 42.

Page 4, delete lines 1 through 7.

Page 4, line 12, after "Indiana" insert "**The reasonable performance bond shall not exceed two million dollars (\$2,000,000).**"

Page 4, between lines 12 and 13, begin a new paragraph and insert: "SECTION 3. IC 8-1-2-115 IS AMENDED TO READ AS FOLLOWS: Sec. 115. The commission shall inquire into any neglect or violation of the statutes of this state or the ordinances of any city or town by any public utility doing business therein, or by its officers, agents, or employees thereof, or by any person operating the plant of any public utility, and shall have the power, and it shall be its duty, to enforce the provisions of this chapter, as well as all other laws, relating to public utilities. Any forfeiture or penalty provided in this chapter shall be recovered and suit therein shall be brought in the name of the state of Indiana in the circuit or superior court where the public utility has its principal place of business: by the attorney general in a court that has jurisdiction. Complaint for the collection of any such forfeiture may be made by the commission or any member thereof, and, when so made, the action so commenced shall be prosecuted by the ~~general counsel~~: attorney general.

Page 4, line 31, delete "115. 1" and insert "**115**".

(Reference is to HB 1181 as printed February 9, 2001.)

J. LUTZ

Representative Mannweiler was excused from voting. Upon request of Representatives J. Lutz and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 129: yeas 44, nays 53. Motion failed. The bill was ordered engrossed.

### House Bill 1185

Representative Day called down House Bill 1185 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1185-1)

Mr. Speaker: I move that House Bill 1185 be amended to read as follows:

Page 2, line 5, after "residence" delete "." and insert "**that was purchased by the individual or a dependent of the individual with money from an individual development account.**".

Page 4, line 7, after "residence" delete "." and insert "**that was purchased by the individual or a dependent of the individual with money from an individual development account.**".

(Reference is to HB 1185 as printed February 15, 2001.)

DAY

Motion prevailed.

#### HOUSE MOTION (Amendment 1185-2)

Mr. Speaker: I move that House Bill 1185 be amended to read as follows:

Page 2, line 16, delete "two" and insert "**one**".

Page 2, line 17, before "percent" insert "**seventy-five**".

Page 2, line 17, delete "(200%)" and insert "**(175%)**".

(Reference is to HB 1185 as introduced.)

TURNER

Motion prevailed. The bill was ordered engrossed.

### House Bill 1272

Representative Mahern called down House Bill 1272 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1272-2)

Mr. Speaker: I move that House Bill 1272 be amended to read as follows:

Page 5, line 11, after "sold." insert "**However, if the retail sales stand is run by and the proceeds are for the benefit of a municipal corporation (as defined in IC 36-1-2-10) or a nonprofit organization exempt from federal taxation under 501(c)(3) of the Internal Revenue Code, the temporary business site is not required to be a permanent structure.**".

Page 8, line 15, after "stands" insert "**that are permanent structures**".

Page 8, line 18, after "permit" insert "**made under subsection (a)**".

Page 8, between lines 26 and 27, begin a new paragraph and insert: "**(c) A retailer selling fireworks at one (1) or more temporary stands that are not permanent structures must obtain a fireworks sales stand permit, referred to in this section as a "permit", from the state fire marshal.**

**(d) An application for a permit made under subsection (c) must be made before June 1 of each year and must require that at least the following information be supplied by the retailer:**

**(1) The retailer's federal tax exempt identification number.**

**(2) The location of each retail sales stand.**

**An application made under this subsection may be for the purpose of selling only snakes or glow worms, smoke devices, wire sparkler novelties, and trick noisemakers. The state fire marshal shall, within seven (7) days after the receipt of an application for a permit, either issue the permit or notify the applicant of the denial of the permit.**

Page 8, line 27, strike "(c)" and insert "**(e)**".

Page 8, line 31, strike "(d)" and insert "**(f)**".

Page 8, line 37, strike "(e)" and insert "**(g)**".

Page 8, line 42, strike "(f)" and insert "**(h)**".

(Reference is to HB 1272 as printed February 14, 2001.)

FRIZZELL

Motion prevailed.

#### HOUSE MOTION (Amendment 1272-3)

Mr. Speaker: I move that House Bill 1272 be amended to read as follows:

Page 7, between lines 6 and 7, begin a new paragraph and insert: "**SECTION 3. IC 22-11-14-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:**

**Sec. 2.5 (a) As used in this section, "park" includes:**

**(1) all parks, reservoirs, land, and water under the jurisdiction of the department of natural resources, as set forth in IC 14-14-1-5(a); and**

**(2) all public parks, playgrounds, and recreation facilities established and operated by a city, town, or county, as set forth in IC 36-10-2-2.**

**(b) The fire prevention and building safety commission created under IC 22-12-2 shall adopt rules for the granting of permits for common fireworks (not including snakes or glow worms, smoke devices, wire sparklers, novelties, and trick noisemakers) for possession, transport, delivery, and use in a park.**

**(c) The fire prevention and building safety commission shall establish by rule the fee for the permit.**

**(d) A fee collected for a permit under this section shall be paid into the fire and building services fund created under IC 22-12-6-1.**

**(e) Applications for permits must be made in writing at least fifteen (15) days before the date of the use of the fireworks.**

**(f) A permit granted under this section is not transferable.**

**(g) A person who possesses, transports, delivers, or uses common fireworks (not including snakes or glow worms, smoke devices, wire sparklers, novelties, and trick noisemakers) in a park, except as authorized in this section, commits a Class C misdemeanor."**

Page 10, between lines 12 and 13, begin a new paragraph and insert:

**"SECTION 9. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 22-11-14-2.5, as added by this act, the state fire marshal shall carry out the duties imposed upon it under interim written guidelines approved by the state fire marshal.**

**(b) This SECTION expires on the earlier of the following:**

**(1) The date rules are adopted under IC 22-11-14-2.5.**

**(2) December 31, 2002."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1272 as printed February 14, 2001.)

CROOKS

Motion prevailed.

HOUSE MOTION  
(Amendment 1272-4)

Mr. Speaker: I move that House Bill 1272 be amended to read as follows:

Page 10, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 8. IC 22-11-14-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. A person who, while in a state of intoxication, recklessly, knowingly, or intentionally ignites or discharges a common firework, excluding a snake or glow worm, a smoke device, a wire sparkler novelty, or a trick noisemaker, commits a Class C misdemeanor.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1272 as printed February 14, 2001.)

CROOKS

Motion prevailed.

HOUSE MOTION  
(Amendment 1272-5)

Mr. Speaker: I move that House Bill 1272 be amended to read as follows:

Page 8, line 7, after "retail" delete "," and insert ":

(1)".

Page 8, line 8, after "chapter" delete "." and insert: "; and

(2) **on the premises of a retail merchant (as defined in IC 6-2.5-1-8) if the retailer is an organization exempt from federal income taxation under Section 501 of the Internal Revenue Code and has entered into a lease agreement with the retail merchant; or**

(3) **on the premises of a retail merchant (as defined in IC 6-2.5-1-8) if the retailer is the retail merchant.**".

Page 8, line 24, before "The" insert "**Notwithstanding section 1 of this chapter, a retailer selling fireworks under section 4(b)(2) and 4(b)(3) of this chapter is not required to sell fireworks from a permanent structure.**".

(Reference is to HB 1272 as printed February 14, 2001.)

TINCHER

Motion failed. The bill was ordered engrossed.

### House Bill 1288

Representative renz called down House Bill 1288 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1288-1)

Mr. Speaker: I move that House Bill 1288 be amended to read as follows:

Page 2, line 31, delete "D felony." and insert "**A misdemeanor. However, the offense is a Class D felony if, as a proximate result of the person entering the emergency incident area, a person or firefighter suffers bodily injury (as defined in IC 35-41-1-4).**".

(Reference is to EHB 1288 as printed February 14, 2001.)

FRENZ

The Speaker ordered the roll of the House to be called. Roll Call 130: yeas 51, nays 43. Motion prevailed. The bill was ordered engrossed.

### House Bill 1549

Representative Dumezich called down House Bill 1549 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1549-1)

Mr. Speaker: I move that House Bill 1549 be amended to read as follows:

Page 2, delete lines 14 through 20.

Page 5, between lines 1 and 2, begin a new line block indented and insert:

**"(19) The following personal information concerning a customer of a municipally owned utility (as defined in**

### IC 8-1-2-1):

#### (A) Name.

#### (B) Residential or business address."

(Reference is to HB 1549 as printed February 14, 2001.)

CROOKS

After discussion, Representative Crooks withdrew the motion.

HOUSE MOTION  
(Amendment 1549-2)

Mr. Speaker: I move that House Bill 1549 be amended to read as follows:

Page 2, delete lines 17 through 18.

Page 2, line 19, delete "(C)" and insert "(A)".

Page 2, line 20, delete "(D)" and insert "(B)".

(Reference is to HB 1549 as printed February 14, 2001.)

DUMEZICH

Motion prevailed. The bill was ordered engrossed.

### House Bill 1554

Representative Crooks called down House Bill 1554 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1554-1)

Mr. Speaker: I move that House Bill 1554 be amended to read as follows:

Page 16, line 30, strike "Limitations defined in paragraphs 13, 20, 21, 22, and 26 of this" and insert "**Investments in subsidiary companies must be made in accordance with IC 27-1-23-2.6.**".

Page 16, strike line 31.

Page 16, line 32, strike "obligations,".

Page 16, line 32, strike "capital stock,".

Page 16, line 32, delete "and other securities".

Page 16, line 32, strike "of".

Page 16, line 32, delete "a".

Page 16, line 33, delete "company".

Page 16, line 33, strike "shall be inapplicable when, within".

Page 16, line 34, delete "IC 27-1-23-2.6,".

Page 16, line 34, strike "the result of such investment, whether in one (1) or".

Page 16, strike lines 35 through 37.

Page 16, line 38, strike "insurance company. However,".

Page 16, line 39, strike "the total of a life insurance company's investments in".

Page 16, strike lines 40 through 42.

Page 17, strike lines 1 through 6.

Page 27, line 36, after "(a)" insert "**As used in this section, "entity" means:**

(1) **a sole proprietorship;**

(2) **a corporation;**

(3) **a limited liability company;**

(4) **a partnership;**

(5) **an association;**

(6) **a joint stock company;**

(7) **a mutual fund;**

(8) **a joint venture;**

(9) **a trust;**

(10) **a joint tenancy;**

(11) **an unincorporated organization; or**

(12) **a similar entity.**

(b) **As used in this section, "primary company" means a domestic insurance company that beneficially owns more than fifty percent (50%) of one (1) or more subsidiary companies.**

(c) **As used in this section, "subsidiary company" means an entity of which more than fifty percent (50%) is beneficially owned by an insurance company.**

(d)".

Page 27, line 37, delete "insurer"" and insert "**primary company**".  
Page 27, line 38, delete "an insurer" and insert "**a primary company**".

Page 27, line 39, delete "insurer's" and insert "**primary company's**".

Page 27, line 40, after "subsidiary" insert "**company**".

Page 27, line 40, delete "insurer" and insert "**primary company**".

Page 27, line 41, delete "insurer's" and insert "**primary company's**".

Page 27, line 42, delete "subsidiary's" and insert "**subsidiary company's**".

Page 28, line 1, delete "insurer's" and insert "**primary company's**".

Page 28, line 1, after "subsidiary" insert "**company**".

Page 28, line 2, delete "(b) A domestic insurer" and insert "**(e) A primary company**".

Page 28, line 4, delete "subsidiaries" and insert "**subsidiary companies**".

Page 28, line 5, delete "(c)" and insert "**(f)**".

Page 28, line 5, after "subsidiary" insert "**company**".

Page 28, line 5, delete "domestic insurer" and insert "**primary company**".

Page 28, line 7, after "the subsidiary" insert "**company**".

Page 28, line 7, after "a subsidiary" insert "**company**".

Page 28, line 8, delete "domestic insurer." and insert "**primary company**".

Page 28, line 9, delete "(d)" and insert "**(g)**".

Page 28, line 10, delete "IC 27-1," and insert "**IC 27-1-12-2 or IC 27-1-13-3**".

Page 28, line 11, delete "domestic insurer" and insert "**primary company**".

Page 28, line 11, after "may" insert "**, directly or through one (1) or more subsidiary companies,**".

Page 28, line 13, after "Invest" delete ",".

Page 28, line 14, delete "subsidiaries," and insert "**subsidiary companies**".

Page 28, line 15, after "that" insert "**in total**".

Page 28, line 16, delete "insurer's assets" and insert "**primary company's admitted assets**".

Page 28, line 16, delete "insurer's surplus" and insert "**primary company's surplus**".

Page 28, line 18, delete "insurer's" and insert "**primary company's**".

Page 28, line 19, delete "insurer's" and insert "**primary company's**".

Page 28, line 20, delete "insurer's" and insert "**primary company's**".

Page 28, line 22, after "investments" insert "**, whether made directly or through one (1) or more subsidiary companies,**".

Page 28, line 23, delete "subsidiaries" and insert "**subsidiary companies**".

Page 28, line 25, before "the" insert "**to the extent that expenditures relate to an investment other than an investment described in clause (A),**".

Page 28, line 28, after "subsidiary" insert "**company**".

Page 28, line 29, after "subsidiary" insert "**company**".

Page 28, line 35, after "subsidiary" insert "**company**".

Page 28, line 35, delete "subsidiary's" and insert "**subsidiary company's**".

Page 28, line 37, delete "Invest" and insert "**Notwithstanding subdivision (1), invest**".

Page 28, line 39, delete "subsidiaries" and insert "**subsidiary companies**".

Page 28, line 41, delete "insurer" and insert "**primary company**".

Page 28, line 41, after "subsidiary" insert "**company**".

Page 28, line 42, delete "subsidiary's" and insert "**subsidiary company's**".

Page 28, line 42, delete "the investment" and insert "**, when combined with the investments of the primary company,**".

Page 29, line 1, delete "will not cause the amount of".

Page 29, line 2, delete "insurer to" and insert "**primary company will not**".

Page 29, line 3, delete "IC 27-1." and insert "**IC 27-1-12-2 or IC 27-1-13-3**".

Page 29, line 4, delete "With" and insert "**Notwithstanding subdivision (1), with**".

Page 29, line 6, delete "subsidiaries" and insert "**subsidiary companies**".

Page 29, line 7, delete "insurer's" and insert "**primary company's**".

Page 29, line 8, delete "insurer's" and insert "**primary company's**".

Page 29, line 9, delete "insurer's" and insert "**primary company's**".

Page 29, between lines 10 and 11, begin a new paragraph and insert:

**"(h) Investments that are made under this section in common stock, preferred stock, debt obligations, or other securities of a subsidiary company are not subject to restrictions or prohibitions under IC 27-1-12-2 or IC 27-1-13-3 that otherwise apply to investments of primary companies."**

Page 29, line 11, delete "(e)" and insert "**(i)**".

Page 29, line 11, delete "domestic insurer" and insert "**primary company**".

Page 29, line 12, delete "(d)," and insert "**(g), a primary company shall make**".

Page 29, line 12, delete "must be".

Page 29, line 13, delete "made".

Page 29, line 21, delete "(f)" and insert "**(j)**".

Page 29, line 21, delete "an insurer" and insert "**a primary company**".

Page 29, line 21, after "subsidiary" insert "**company**".

Page 29, line 21, delete "the insurer" and insert "**the primary company**".

Page 29, line 22, after "subsidiary" insert "**company**".

Page 29, line 27, delete "IC 27-1" and insert "**any applicable provision of IC 27-1-12-2 or IC 27-1-13-3**".

Page 29, line 27, delete "insurer" and insert "**primary company**".

Page 29, delete lines 29 through 42, begin a new paragraph and insert:

**"(k) A primary company, at the time of establishing a subsidiary company, must possess:**

**(1) assets of not less than twenty-five million dollars (\$25,000,000); or**

**(2) not less than three million five hundred thousand dollars (\$3,500,000) of:**

**(A) combined capital and surplus in the case of a stock company; and**

**(B) surplus in the case of a mutual company.**

**(l) The department has the power to:**

**(1) conduct periodic examinations of a subsidiary company;**

**(2) require reports that reflect the effect of the condition and operation of a subsidiary company on the financial condition of a primary company; and**

**(3) make additional examinations or require other reports with respect to a subsidiary company that are necessary to carry out the purposes of this section.**

**A noninsurance subsidiary company shall annually furnish the department financial statements that are prepared under generally accepted accounting principles and certified by an independent certified public accountant and the department may rely on the statements. If a subsidiary company conducts the business of the subsidiary company in a manner that clearly tends to impair the capital or surplus fund of the primary company, or otherwise makes the operation of the primary company financially unsafe, the department may act under IC 27-1-3-19 with respect to the primary company.**

**(m) A primary company and a subsidiary company shall, in all respects, stand before the law as separate and distinct companies and neither company is liable to the creditors, policyholders, or stockholders of the other company, acts or omissions of an officer, director, stockholder, or member of either company notwithstanding.**

**(n) The board of directors and officers of a primary company and a subsidiary company may be identical. However, the affairs of each company shall be carried on separate and distinct from the other company.**

**(o) A foreign subsidiary company shall be treated in the same manner as other foreign companies, except that the treatment may be withheld or suspended with respect to a subsidiary company that is domiciled in a state that does not treat a:**

**(1) primary company; or**

**(2) subsidiary company;**

**that is domiciled in Indiana in a manner equal to a foreign or domestic company doing business in the other state.**

(p) **Interests in a subsidiary company that are owned by a primary company must be registered in the name of the primary company except for shares that are required under Indiana law to be registered in the name of another person.**

SECTION 4. [EFFECTIVE JULY 1, 2001] IC 27-2-9 IS REPEALED."

Delete pages 30 through 33.

(Reference is to HB 1554 as printed February 9, 2001.)

CROOKS

Motion prevailed. The bill was ordered engrossed.

### House Bill 1706

Representative Liggett called down House Bill 1706 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1706-1)

Mr. Speaker: I move that House Bill 1706 be amended to read as follows:

Page 11, line 11, delete "(a)".

Page 11, line 29, delete "The hourly rate and any other fees or charges paid or"

Page 11, delete lines 30 through 32.

Page 11, line 33, delete "(6)".

Page 11, run in lines 29 and 33.

Page 11, line 33, delete "employee," and insert "**employee.**"

Page 11, delete lines 34 through 38.

Page 12, line 6, after "(8)" insert "**Any safety or hazardous material information that is available to the temporary employment agency shall be made available to the temporary employee. Such information shall include, but is not limited to,**"

Page 12, line 6, delete "A" and insert "**a**".

Page 12, delete lines 15 through 27.

Page 12, line 37, delete "work. This subdivision does" and insert "**work ;**".

Page 12, delete lines 38 through 42.

Page 13, delete line 1.

Page 13, line 8, delete "may" and insert "**shall**".

Page 13, line 11, after "employee" insert ";

Page 13, delete lines 12 through 13.

Page 13, line 14, delete "other fees or charges paid or payable" and insert "**the itemized deductions made from the wage payment made**".

Page 13, line 14, after "temporary" insert "**help employee by the temporary**".

Page 13, line 15, after "agency" delete "by or on behalf of the client company with respect" and insert "**; and**".

Page 13, delete line 16.

Page 13, line 18, after "agency;" insert "**and**".

Page 13, line 21, delete "and" and insert ".

Page 13, delete lines 22 through 26.

Page 14, line 3, delete "more than a reasonable amount".

Page 14, line 4, delete "worksite, but the amount" and insert "**worksite;**".

Page 14, delete lines 5 through 6.

(Reference is to HB 1706 as printed February 14, 2001.)

LIGGETT

Motion prevailed. The bill was ordered engrossed.

### House Bill 1727

Representative Crawford called down House Bill 1727 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1727-1)

Mr. Speaker: I move that House Bill 1727 be amended to read as follows:

Page 4, line 13, after "relative"" insert " ,".

Page 9, line 14, after "(b)" insert "For".

Page 17, line 23, after "2000" insert " ,".

Page 17, line 42, delete "(D)" and insert "**(C)**".

Page 39, line 26, after "equal" insert "**to**".

Page 39, line 26, after "of" delete "to".

Page 39, line 36, after "equal" insert "**to**".

Page 39, line 36, after "of" delete "to".

Page 44, delete lines 19 through 20, begin a new paragraph and insert:

"SECTION 35. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 12-10-12-27.1; IC 12-10-12-28.5; IC 12-15-19-10.1".

(Reference is to HB 1727 as printed February 15, 2001.)

CRAWFORD

Motion prevailed.

HOUSE MOTION  
(Amendment 1727-2)

Mr. Speaker: I move that House Bill 1727 be amended to read as follows:

Page 4, line 20, delete "IC 12-17.7-1-2." and insert "**IC 12-17.7-1-3.**".

Page 7, line 16, delete "IC 12-17.7-1-3." and insert "**IC 12-17.7-1-4.**".

Page 7, line 28, delete "IC 12-17.7-1-4." and insert "**IC 12-17.7-1-5.**".

(Reference is to HB 1727 as printed February 15, 2001.)

CRAWFORD

Motion prevailed. The bill was ordered engrossed.

### House Bill 1781

Representative Harris called down House Bill 1781 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1781-1)

Mr. Speaker: I move that House Bill 1781 be amended to read as follows:

Page 2, line 6, before "In" insert "**(a)**".

Page 2, delete lines 12 through 20.

Page 2, reset in roman line 21.

Page 2, line 22, reset in roman "bureau of motor vehicles as a result of the finding,"

Page 2, between lines 24 and 25, begin a new paragraph and insert: "**(b) In each action in which a person is charged with an offense under IC 9-30-5 and, by plea agreement or agreement of the parties, judgment is entered as an offense under:**

(1) IC 9-21-8-50;

(2) IC 9-21-8-52;

(3) IC 7.1-5-1-3; or

(4) IC 7.1-5-1-6;

**the clerk shall collect an alcohol and drug countermeasures fee of two hundred dollars (\$200).**"

Page 2, line 26, delete "crimes, infractions, and delinquent acts" and insert "**offenses**".

(Reference is to HB 1781 as printed February 13, 2001.)

HARRIS

Motion prevailed. The bill was ordered engrossed.

### House Bill 1841

Representative C. Brown called down House Bill 1841 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1841-1)

Mr. Speaker: I move that House Bill 1841 be amended to read as follows:

Page 6, line 42, after "inspection" insert "**, but the Social Security number is confidential and may not be disclosed to the public**".

(Reference is to HB 1841 as printed February 15, 2001.)

ULMER

Motion prevailed. The bill was ordered engrossed.

### House Bill 2111

Representative Klinker called down House Bill 2111 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 2111-1)

Mr. Speaker: I move that House Bill 2111 be amended to read as follows:

Page 2, after line 22, begin a new subparagraph and insert:

**"(f) it is a defense to an offense committed under subsection (a), (b), or (c), if the accused person:**

**(1) has been granted a durable power of attorney or has been appointed a legal guardian to manage the affairs of endangered adult or dependant; and**

**(2) the accused person was acting within the scope of the accused person's fiduciary responsibility."**

(Reference is to HB 2111 as printed February 15, 2001.)

STEELE

Motion prevailed. The bill was ordered engrossed.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1028, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 1.

PORTER, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1066, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 21, delete "ninety (90)" and insert **"thirty (30)"**.

Page 3, line 3, delete "35-43-4-2.5(e)" and insert **"35-43-4-8(b)"**.

Page 3, line 19, delete "35-43-4-2.5(e)" and insert **"35-43-4-8(b)"**.

Page 3, line 23, delete "ninety (90)" and insert **"thirty (30)"**.

Page 3, delete lines 34 through 42 and begin a new paragraph and insert:

**"SECTION 5. IC 35-43-4-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) A conviction for an offense under section 2 of this chapter or section 3 of this chapter that involves exerting unauthorized control over gasoline or motor vehicle fuel:**

**(1) by operation of a motor vehicle to leave the premises of an establishment at which gasoline or motor vehicle fuel is offered for sale after the gasoline or motor vehicle fuel has been dispensed into the fuel tank of the motor vehicle; and**

**(2) without payment or authorization of payment by a credit card, debit card, charge card, or similar method of payment; shall result in the suspension of the driving privileges of the person.**

**(b) The court imposing sentence for a violation under subsection (a) shall issue an order to the bureau of motor vehicles:**

**(1) stating that the person has been convicted of an offense under section 2 of this chapter or section 3 of this chapter involving the unauthorized taking of gasoline or motor vehicle fuel; and**

**(2) ordering the suspension of the person's driving privileges under IC 9-25-6-21.**

**The suspension of a person's driving privileges under this section is in addition to other penalties prescribed by IC 35-50-3-2 for a Class A misdemeanor or by IC 35-50-2-7 for a Class D felony."**

Page 4, delete lines 1 through 30.

(Reference is to HB 1066 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

DVORAK, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1193, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

**SECTION 1. IC 5-10-1.1-1.5, AS ADDED BY P.L.273-1999, SECTION 231, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.5. (a) The state, through the budget agency, may adopt a defined contribution plan, under Section 401(a) of the Internal Revenue Code, for the purpose of matching all or a specified portion of state employees' contributions to the state employees' deferred compensation plan and for any additional purposes established by statute.**

**(b) The deferred compensation committee shall be the trustee of a plan established under subsection (a) as described in section 4 of this chapter. A plan established under subsection (a) shall be administered by the auditor of state as described in section 5 of this chapter.**

**(c) The deferred compensation committee may approve funding offerings for a plan established under subsection (a), which may be the same as offerings for the state employees' deferred compensation plan. All funds in each plan shall be separately accounted for but may be commingled for investment purposes.**

**(d) Contributions to a plan established under subsection (a) are limited to the amount of biennial appropriations made for that purpose.**

**(e) A plan established under subsection (a) must include appropriate provisions concerning the plan's day to day operation and any other provisions that are appropriate. Notwithstanding IC 22-2-6-2, the plan may also include provisions for the use of automated voice response units and telephonic communications, online activities, and other technology for participant elections, directions, and services if the technology has sufficient capacity to record and store the elections and directions.**

**(f) The state is obligated at any particular time only for the current market value of the funding previously made to a plan established under subsection (a).**

**SECTION 2. IC 5-10-1.1-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7.5. (a) As used in this section, "state agency" means the following:**

**(1) An authority, a board, a branch, a commission, a committee, a department, a division, or other instrumentality of state government.**

**(2) A separate corporate body politic that adopts the plan described in subsection (b).**

**However, the term does not include a state educational institution (as defined in IC 20-12-0.5-1) or a political subdivision.**

**(b) The deferred compensation committee shall adopt provisions in a defined contribution plan, under Sections 401(a) and 414(d) of the Internal Revenue Code, for the purpose of converting unused excess accrued leave to a monetary contribution for employees of a state agency. These provisions may be part of the plan and trust established under section 1.5(a) of this chapter.**

**(c) The deferred compensation committee shall be the trustees of the plan described in subsection (b). The plan must be a qualified plan, as determined by the Internal Revenue Service.**

**(d) The state personnel department shall adopt rules under IC 4-22-2 that it considers appropriate or necessary to implement this section. The rules adopted by the state personnel department under this section must:**

**(1) be consistent with the plan described in subsection (b);**

**(2) include provisions concerning:**

**(A) the type and amount of leave that may be converted to a monetary contribution;**

**(B) the conversion formula for valuing any leave that is converted;**

**(C) the manner of employee selection of leave conversion; and**

- (D) the vesting schedule for any leave that is converted; and  
 (3) apply to all state agencies.

(e) The rules adopted by the state personnel department under subsection (d) specifying the conversion formula must provide for a conversion rate under which the amount contributed on behalf of a participating employee for a day of leave that is converted under this section is equal to at least seventy-five percent (75%) of the employee's daily pay as of the employee's retirement date.

(f) The deferred compensation committee may adopt the following:

- (1) Plan provisions governing:  
 (A) the investment of accounts in the plan; and  
 (B) the accounting for converted leave.  
 (2) Any other plan provisions that are necessary or appropriate for operation of the plan.

(g) The plan described in subsection (b) may be implemented only if the deferred compensation committee has received from the Internal Revenue Service any rulings or determination letters that the committee considers necessary or appropriate.

SECTION 3. IC 5-10-12-3, AS ADDED BY P.L.195-1999, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) Subject to ~~subsection~~ subsections (b) and (c), an employee who:

- (1) has at least ten (10) years of creditable service with a state agency;  
 (2) retires after June 30, 2000; and  
 (3) has accrued and unused sick days, vacation days, or personal days on the employee's retirement date;

is entitled to have the amounts specified in section 5 of this chapter deposited by the state into a cafeteria plan under Section 125 of the Internal Revenue Code.

(b) The provisions of this chapter requiring the department to make deposits into a cafeteria plan on behalf of retired employees described in subsection (a) apply only if the department has received from the Internal Revenue Service any approvals or rulings that the department considers necessary or appropriate for the cafeteria plan.

(c) The provisions of this chapter requiring the department to make deposits into a cafeteria plan on behalf of retired employees described in subsection (a) do not apply if the plan described in IC 5-10-1.1-7.5(g) is implemented and the deferred compensation committee has received from the Internal Revenue Service any rulings or determination letters that the committee considers necessary or appropriate for the plan described in IC 5-10-1.1-7.5(g).

Renumber all SECTIONS consecutively.

(Reference is to HB 1193 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

BAUER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1216, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-10-2-3-5, AS ADDED BY P.L.221-1999, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) A plan must contain the following components for the school:

- (1) A list of the statutes and rules that the school wishes to have suspended from operation for the school.  
 (2) A description of the curriculum and information concerning the location of a copy of the curriculum that is available for inspection by members of the public.  
 (3) A description and name of the assessments that will be used in the school in addition to ISTEP assessments.  
 (4) A plan to be submitted to the governing body and made available to all interested members of the public in an easily understood format.

(5) A provision to maximize parental participation in the school.

(6) For a secondary school, a provision to do the following:

(A) Offer courses that allow all students to become eligible to receive an academic honors diploma.

(B) Encourage all students to earn an academic honors diploma or complete the Core 40 curriculum.

(7) A provision to maintain a safe and disciplined learning environment for students and teachers, **including the integration of good citizenship instruction (as defined in IC 20-10.1-4-4.5) into current curriculum instruction.**

(8) A provision for the coordination of technology initiatives and ongoing professional development activities.

(b) If, for a purpose other than a plan under this chapter, a school has developed materials that are substantially similar to a component listed in subsection (a), the school may substitute those materials for the component listed in subsection (a).

(Reference is to HB 1216 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

PORTER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1388, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 33, delete "2006." and insert "**2008.**".

(Reference is to HB 1388 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

MOSES, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1392, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 41, delete "(a)".

Page 4, line 41, reset in roman "rules under".

Page 4, line 42, reset in roman "IC 4-22-2 and".

Page 5, delete 8 through 13.

(Reference is to HB 1392 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 0.

BAUER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1415, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 11, line 8, after "University," insert "**Ivy Tech State College,**".

(Reference is to HB 1415 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

PORTER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1480, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, between lines 22 and 23, begin a new paragraph and insert: "SECTION 7. IC 6-1.1-10-16.7, AS ADDED BY P.L.19-2000,

SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 16.7. Real property is exempt from property taxation if:

- (1) the real property is located within:
    - (A) a county containing a consolidated city; or
    - (B) a county having a population of more than thirty-eight thousand five hundred (38,500) but less than thirty-nine thousand (39,000);
  - (2) the real property is owned by an Indiana corporation;
  - (3) the improvements on the real property were constructed, rehabilitated, or acquired for the purpose of providing housing to income eligible persons under the federal low income housing tax credit program under 26 U.S.C. 42;
  - (4) the real property is subject to an extended use agreement under 26 U.S.C. 42 as administered by the Indiana housing finance authority; and
  - (5) the owner of the property has entered into an agreement to make payments in lieu of taxes under IC 36-2-6-22 or IC 36-3-2-11."
- Page 10, line 39, reset in roman "file a return for".  
 Page 10, line 40, reset in roman "each calendar month and".  
 Page 10, line 41, reset in roman "that".  
 Page 10, line 41, delete "each calendar".  
 Page 10, line 41, delete "The payment shall".  
 Page 10, delete line 42.  
 Page 11, line 1, delete "following month".  
 Page 11, line 1, reset in roman "for a particular".  
 Page 11, line 2, reset in roman "month".  
 Page 11, line 2, reset in roman "and make the person's tax payment for that".  
 Page 11, reset in roman lines 3 through 12.  
 Page 11, line 13, reset in roman "of that month".  
 Page 11, line 13, delete "for each calendar quarter. The return shall be filed".  
 Page 11, delete line 14.  
 Page 11, line 40, reset in roman "the last day of the month".  
 Page 11, line 41, reset in roman "immediately".  
 Page 11, line 41, delete "twenty (20) days".  
 Page 24, line 25, delete "[EFFECTIVE JULY 1, 2001]" and insert "[EFFECTIVE UPON PASSAGE]".  
 Page 24, line 41, after "(c)" insert ",".  
 Page 24, line 41, strike "and".  
 Page 24, line 41, after "(g)," insert "and (j),".  
 Page 25, line 10, after "(h)" insert ",".  
 Page 25, line 10, strike "or".  
 Page 25, line 10, after "(i)," insert "or (j),".  
 Page 26, between lines 16 and 17, begin a new paragraph and insert:

**"(j) This subsection applies to a county having a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand three hundred (27,300). In addition to the rates permitted under subsection (b):**

- (1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and**
- (2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);**

**if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter."**

Page 27, between lines 9 and 10, begin a new paragraph and insert:  
 "SECTION 32. IC 6-3.5-7-22.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22.5. (a) This section applies to a county having a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand three hundred (27,300).

(b) In addition to the rates permitted by section 5 of this chapter, the county council may impose the county economic development income tax at a rate of twenty-five hundredths percent (0.25%) on the adjusted gross income of county taxpayers if the county council

makes the finding and determination set forth in subsection (c).

(c) In order to impose the county economic development income tax as provided in this section, the county council must adopt an ordinance finding and determining that revenues from the county economic development income tax are needed to pay the costs of financing, constructing, acquiring, renovating, and equipping the county courthouse and renovating the former county hospital for additional office space, educational facilities, nonsecure juvenile facilities, and other county functions, including the repayment of bonds issued, or leases entered into, for constructing, acquiring, renovating, and equipping the county courthouse and renovating the former county hospital for additional office space, educational facilities, nonsecure juvenile facilities, and other county functions.

(d) If the county council makes a determination under subsection (c), the county council may adopt a tax rate under subsection (b). The tax rate may not be imposed at a rate or for a time greater than is necessary to pay the costs of financing, constructing, acquiring, renovating, and equipping the county courthouse and renovating the former county hospital for additional office space, educational facilities, nonsecure juvenile facilities, and other county functions.

(e) The county treasurer shall establish a county courthouse revenue fund to be used only for the purposes described in this section. County economic development income tax revenues derived from the tax rate imposed under this section shall be deposited in the county courthouse revenue fund before making a certified distribution under section 11 of this chapter.

(f) County economic development income tax revenues derived from the tax rate imposed under this section:

- (1) may only be used for the purposes described in this section;
- (2) may not be considered by the state board of tax commissioners in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged to the repayment of bonds issued, or leases entered into, for the purposes described in subsection (c).

(g) A county described in subsection (a) possesses:

- (1) unique fiscal challenges to finance the operations of county government due to the county's ongoing obligation to repay amounts received by the county due to an overpayment of the county's certified distribution under IC 6-3.5-1.1-9 for a prior year; and
- (2) unique capital financing needs due to the imminent transfer from the governing board of the county hospital of facilities no longer needed for hospital purposes and the need to undertake immediate improvements in order to make those facilities suitable for use by the county for additional office space, educational facilities, nonsecure juvenile facilities, and other county functions."

Page 62, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 78. IC 36-2-6-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 22. (a) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

- (1) Assessed value.
- (2) Exemption.
- (3) Owner.
- (4) Person.
- (5) Property taxation.
- (6) Real property.
- (7) Township assessor.

(b) As used in this section, "PILOTS" means payments in lieu of taxes.

(c) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is located in a county having a population of more than thirty-eight thousand five hundred (38,500) but less than thirty-nine thousand (39,000).

(d) Subject to the approval of a property owner, the fiscal body of a county may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7. The ordinance remains in full force and effect until repealed or modified



by the legislative body, subject to the approval of the property owner.

(e) The PILOTS must be calculated so that the PILOTS are in an amount equal to the amount of property taxes that would have been levied upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation.

(f) PILOTS shall be imposed in the same manner as property taxes and shall be based on the assessed value of the real property described in subsection (d). The township assessors shall assess the real property described in subsection (d) as though the property were not subject to an exemption.

(g) PILOTS collected under this section shall be distributed in the same manner as if they were property taxes being distributed to taxing units in the county.

(h) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

SECTION 79. IC 36-7-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter applies to the following:

(1) A city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(2) A city having a population of more than ninety thousand (90,000) but less than one hundred ten thousand (110,000).

SECTION 80. IC 36-7-26-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) Whenever a commission determines that the redevelopment and economic development of an area situated within the commission's jurisdiction may require the establishment of a district, the commission shall cause to be assembled data sufficient to make the determinations required under section 15 of this chapter, including the following:

(1) Maps and plats showing the boundaries of the proposed district.

(2) A complete list of street names and the range of street numbers of each street situated in the proposed district.

(3) A plan for the redevelopment and economic development of the proposed district. The plan must describe the local public improvements necessary or appropriate for the redevelopment or economic development.

(b) For a city described in section 1(2) of this chapter, the proposed district must contain a commercial retail facility with at least five hundred thousand (500,000) square feet, and any distributions from the fund must be used in the area described in subsection (a) or in areas that directly benefit the area described in subsection (a).

SECTION 81. IC 36-7-26-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 23. (a) Before the first business day in October of each year, the board shall require the department to calculate the net increment for the preceding state fiscal year. The department shall transmit to the board a statement as to the net increment in sufficient time to permit the board to review the calculation and permit the transfers required by this section to be made on a timely basis.

(b) There is established a sales tax increment financing fund to be administered by the treasurer of state. The fund is comprised of two (2) accounts called the net increment account and the credit account.

(c) On the first business day in October of each year, that portion of the net increment calculated under subsection (a) that is needed:

(1) to pay debt service on the bonds issued under section 24 of this chapter or to pay lease rentals under section 24 of this chapter; and

(2) to establish and maintain a debt service reserve established by the commission or by a lessor that provides local public improvements to the commission;

shall be transferred to and deposited in the fund and credited to the net increment account. Money credited to the net increment account is pledged to the purposes described in subdivisions (1) and (2), subject to the other provisions of this chapter.

(d) On the first business day of October in each year, the remainder of:

(1) eighty percent (80%) of the gross increment; minus

(2) the amount credited to the net increment account on the same date;

shall be transferred and credited to the credit account.

(e) The remainder of:

(1) the gross increment; minus

(2) the amounts credited to the net increment account and the credit account;

shall be deposited by the auditor of state as other gross retail and use taxes are deposited.

(f) A city described in section 1(2) of this chapter may receive not more than fifty percent (50%) of the net increment each year. During the time a district exists in a city described in section 1(2) of this chapter, not more than a total of one million dollars (\$1,000,000) of net increment may be paid to the city described in section 1(2) of this chapter.

(g) The auditor of state shall disburse all money in the fund that is credited to the net increment account to the commission in equal semiannual installments on November 30 and May 31 of each year.

SECTION 82. IC 36-7-26-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 24. (a) The commission may issue bonds, payable in whole or in part, from money distributed from the fund to the commission, to finance a local public improvement under IC 36-7-14-25.1 or may make lease rental payments for a local public improvement under IC 36-7-14-25.2 and IC 36-7-14-25.3. The term of any bonds issued under this section may not exceed twenty (20) years, nor may the term of any lease agreement entered into under this section exceed twenty (20) years. The commission shall transmit to the board a transcript of the proceedings with respect to the issuance of the bonds or the execution and delivery of a lease agreement as contemplated by this section. The transcript must include a debt service or lease rental schedule setting forth all payments required in connection with the bonds or the lease rentals.

(b) On January 15 of each year, the commission shall remit to the treasurer of state the money disbursed from the fund that is credited to the net increment account that exceeds the amount needed to pay debt service or lease rentals and to establish and maintain a debt service reserve under this chapter in the prior year and before May 31 of that year. Amounts remitted under this subsection shall be deposited by the auditor of state as other gross retail and use taxes are deposited.

(c) The commission in a city described in section 1(2) of this chapter may only distribute money from the fund for road, interchange, and right-of-way improvements and for real property acquisition costs in furtherance of the road, interchange, and right-of-way improvements."

Page 62, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 86. [EFFECTIVE JANUARY 1, 2002] IC 6-1.1-10-16.7, as amended by this act, applies only to property taxes first due and payable after December 31, 2001.

SECTION 87. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 6-3.5-7-5, as amended by this act, the county council of a county described in IC 6-3.5-7-5(j), as added by this act, may adopt an ordinance to increase the county's county economic development income tax rate after March 31, 2001.

(b) Notwithstanding IC 6-3.5-7-5(e), as amended by this act, an ordinance adopted under this SECTION takes effect January 1, 2002.

(c) This SECTION expires January 2, 2002.

SECTION 88. [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:

(a) This SECTION applies to a property owner that:

(1) before January 1, 2000, received a notice from a town in a county having a population of more than fifty thousand (50,000) but less than sixty thousand (60,000) that the town approved of the allowance of assessed value deductions to the property owner under IC 6-1.1-12.1;

(2) has fulfilled all expectations of the town concerning job creation or retention, capital investment, and other requirements imposed by the town; and

(3) is not eligible for the assessed value deductions under

**IC 6-1.1-12.1 because of the failure of the property owner to comply with one (1) or more requirements of IC 6-1.1-12.1.**

(b) Notwithstanding IC 6-1.1-12.1, the town may grant the assessed value deductions under IC 6-1.1-12.1 to a property owner described in subsection (a) if, before July 1, 2001, both the property owner and the town complete all the procedures required by IC 6-1.1-12.1, the completion of which would have been necessary, before the enactment of this SECTION, for the property owner to be eligible for the assessed value deductions and for the town to grant the deductions.

(c) If the town grants the assessed value deductions under subsection (b), the county auditor and the township assessor shall perform their functions under IC 6-1.1-12.1 to allow the deduction.

(d) Assessed value deductions granted under this SECTION apply to property taxes first due and payable after December 31, 1999. However, the interest provided for in IC 6-1.1-37-11 does not apply to a property tax refund due the property owner as a result of this SECTION.

(e) This SECTION expires July 2, 2001."

Renumber all SECTIONS consecutively.

(Reference is to HB 1480 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

BAUER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1577, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 23, nays 0.

BAUER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1578, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 5.

Page 6, delete lines 1 through 40.

Page 8, line 14, reset in roman "ten".

Page 8, line 14, delete "five".

Page 8, line 14, reset in roman "\$10,000)".

Page 8, line 14, delete "\$5,000)".

Page 8, delete lines 23 through 42.

Page 9, delete lines 1 through 13.

Page 10, delete lines 27 through 42.

Page 11, delete lines 1 through 39.

Page 6, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 5. IC 6-3.1-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. For the purposes of this chapter:

"Agreement" means any agreement entered into with the commissioner of the department of correction under IC 11-10-7-2 that has been approved by a majority of the members of the state board of correction.

"Pass through entity" means a:

(1) corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);

(2) partnership;

(3) trust;

(4) limited liability company; or

(5) limited liability partnership.

"Qualified property" means any machinery, tools, equipment, building, structure, or other tangible property considered qualified property under Section 38 of the Internal Revenue Code that is used

as an integral part of the operation contemplated by an agreement and that is installed, used, or operated exclusively on property managed by the department of correction.

"State income tax liability" means a taxpayer's total income tax liability incurred under IC 6-2.1 and IC 6-3, as computed after application of credits that, under IC 6-3.1-1-2, are to be applied before the credit provided by this chapter.

"Taxpayer" means any person, corporation, limited liability company, partnership, or other entity that has state tax liability. The term includes a pass through entity.

"Wages paid" includes all earnings surrendered to the department of correction under IC 11-10-7-5.

SECTION 6. IC 6-3.1-6-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 6. If a pass through entity is entitled to a credit under this chapter but does not have state tax liability against which the tax credit may be applied, an individual who is a shareholder, partner, beneficiary, or member of the pass through entity is entitled to a tax credit equal to:

(1) the tax credit determined for the pass through entity for the taxable year; multiplied by

(2) the percentage of the pass through entity's distributive income to which the shareholder, partner, beneficiary, or member is entitled.

The credit provided under this section is in addition to a tax credit to which a shareholder, partner, beneficiary, or member of a pass through entity is entitled. However, a pass through entity and an individual who is a shareholder, partner, beneficiary, or member of a pass through entity may not claim more than one (1) credit for the qualified expenditure."

Page 18, after line 17, begin a new paragraph and insert:

"SECTION 23. [EFFECTIVE JANUARY 1, 2002] IC 6-3.1-6-1, as amended by this act, and IC 6-3.1-6-6, as added by this act, apply to taxable years beginning after December 31, 2001."

Renumber all SECTIONS consecutively.

(Reference is to HB 1578 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 1.

BAUER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1600, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "include in" and insert "integrate cardiopulmonary resuscitation training into".

Page 1, line 4, after "curriculum" insert ".".

Page 1, delete lines 5 through 7.

(Reference is to HB 1600 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

PORTER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1683, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 2.

PORTER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1856, has had the same under consideration and begs leave to report the same back to the House

with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-3-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. The annual salary of the members of the general assembly shall be ~~eleven thousand six hundred dollars (\$11,600)~~ **an amount equal to twenty percent (20%) of the governor's annual salary.** One-half (1/2) the annual salary shall be paid on the fifteenth day of January, and one-half (1/2) the annual salary shall be paid on the fifteenth day of February.

SECTION 2. IC 2-3-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies during the following periods:

- (1) Each day that the general assembly is not convened in regular or special session.
- (2) Each day after the first session day held in November and before the first session day held in January except for any day after the first session day held in November and before the first session day held in January with respect to which all members of the general assembly are entitled to a legislative business per diem.

(b) As used in this section, "maximum daily amount" refers to the maximum daily amount allowable to employees of the executive branch of the federal government for subsistence expenses while away from home in travel status in the Indianapolis area.

(c) Each member of the general assembly is entitled to a subsistence allowance equal to forty percent (40%) of the maximum daily amount.

(d) The subsistence allowance changes each time there is a change in the maximum daily amount.

(e) The subsistence allowance is payable from appropriations for legislators' subsistence.

SECTION 3. IC 2-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

#### Chapter 1.5. Public Officers Compensation Commission

Sec. 1. As used in this chapter, "commission" refers to the public officers compensation commission established by section 5 of this chapter.

Sec. 2. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 3. As used in this chapter, "public employee" refers to any of the following:

- (1) An employee of the state.
- (2) An employee of a political subdivision.
- (3) An employee of any other entity whose salary is paid in any part from funds derived from taxes imposed by the state or a political subdivision.

Sec. 4. As used in this chapter, "public officer" refers to any of the following:

- (1) The governor.
- (2) The lieutenant governor.
- (3) The secretary of state.
- (4) The auditor of state.
- (5) The treasurer of state.
- (6) The attorney general.
- (7) The clerk of the supreme court.
- (8) The state superintendent of public instruction.
- (9) A justice of the supreme court of Indiana.
- (10) A judge of the court of appeals of Indiana.
- (11) A judge of the Indiana tax court.
- (12) A judge of a circuit, superior, probate, or county court.

Sec. 5. The public officers compensation commission is established.

Sec. 6. (a) The commission consists of the following members:

- (1) Two (2) members appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.
- (2) Two (2) members appointed by the president pro tempore of the senate. The members appointed under this subdivision may

not be members of the same political party.

(3) Two (2) members appointed by the governor. The members appointed under this subdivision may not be members of the same political party.

(4) Two (2) members appointed by the chief justice of the supreme court of Indiana. The members appointed under this subdivision may not be members of the same political party.

(5) One (1) member appointed by the chief judge of the court of appeals of Indiana.

(b) The following may not be a commission member:

- (1) A public officer.
- (2) A public employee.
- (3) An individual who has a pecuniary interest in the salary of a public officer. For purposes of this subdivision, an individual has a pecuniary interest in the salary of a public officer if an increase in the salary of a public officer will result in an ascertainable increase in the income or net worth of the individual.

Sec. 7. (a) The term of a commission member begins on the later of the following:

- (1) July 1 after the member is appointed.
- (2) The day the member accepts the member's appointment.

(b) The term of a commission member expires on July 1 of the third year after the year the member's term begins.

(c) A member may be reappointed to serve a new term.

Sec. 8. (a) If there is a vacancy on the commission, the public officer who appointed the member whose position is vacant shall appoint an individual to fill the vacancy.

(b) The member appointed under this section shall fill the vacancy for the remainder of the unexpired term.

Sec. 9. (a) Before July 1 of each year, the chairman of the legislative council shall appoint one (1) member to be chair of the commission.

(b) The member appointed as chair of the commission serves as chair beginning July 1 after appointment.

(c) A member of the commission may be reappointed as chair of the commission.

Sec. 10. Six (6) commission members constitute a quorum. The affirmative votes of at least six (6) commission members are necessary for the commission to take official action other than to adjourn or to meet to hear reports or testimony.

Sec. 11. The commission shall meet at the call of the chair and at other times as the commission considers necessary.

Sec. 12. Each member of the commission is entitled to the following:

- (1) The salary per diem provided under IC 4-10-11-2.1(b).
- (2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.
- (3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 13. The legislative services agency shall provide administrative support for the commission. At the request of the legislative services agency, the state personnel department or the Indiana judicial center established by IC 33-13-14-2 shall assign staff to provide research and other support to assist the legislative services agency in providing administrative support to the commission.

Sec. 14. The legislative services agency may contract with consultants on behalf of the commission as the commission considers necessary to implement this chapter.

Sec. 15. Except as otherwise provided by this chapter, the commission is subject to the rules of the legislative council.

Sec. 16. The commission shall make reports to the general assembly as required by this chapter or by the legislative council.

Sec. 17. The commission shall meet at least one (1) time before April 1 of each even-numbered year to do the following:

- (1) Receive information relating to the salaries of public officers.
- (2) Consider recommendations for suitable salaries for public

officers.

(3) Take testimony relating to the salaries of public officers.

Sec. 18. (a) When determining a recommendation for a suitable salary for a public officer, the commission may consider the following:

- (1) The responsibilities of the office.
- (2) The educational background required or desired for an individual who holds the office.
- (3) The skills required or desired for the office.
- (4) The experience required or desired for the office.
- (5) The time required or desired to be spent to fulfill the duties of the office.
- (6) The opportunity or lack of opportunity that an individual who holds the office has to earn other income.
- (7) The salaries paid to government officers in other states that have comparable duties and authority.
- (8) Salaries paid to comparable professionals in the private sector in Indiana and other comparable states based on the responsibility and discretion required from or desired in an individual who holds the office.
- (9) The increase in the cost of living in Indiana since the most recent increase in the salary of the public officer.
- (10) Benefits other than salaries provided to public officers.
- (11) Ability to attract and retain qualified individuals to be public officers.
- (12) The interests and welfare of the public.
- (13) The financial ability of the state to meet the costs of salaries recommended by the commission.
- (14) Other factors the commission considers relevant.

(b) The commission may give the weight to the factors described in subsection (a) that the commission considers appropriate.

(c) The commission may make recommendations to the general assembly concerning benefits other than salaries.

Sec. 19. (a) The commission shall make written recommendations to the:

- (1) legislative council; and
- (2) budget committee;

concerning suitable salaries for public officials not later than September 1 of each even-numbered year.

(b) When making recommendations, the commission shall make a separate recommendation, including a recommendation for no adjustment of salary, for each separate public officer listed in section 4 of this chapter.

Sec. 20. A commission recommendation does not take effect unless enacted by the general assembly.

Sec. 21. A bill containing salary adjustments for public officers may not contain salary adjustments both for public officers in the executive branch and for public officers in the judicial branch.

Sec. 22. There is appropriated to the legislative services agency from the state general fund money necessary for the operation of the commission.

SECTION 4. IC 5-10.2-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2001]: Sec. 3. (a) Except as provided in subsection (e) (f), in computing the retirement benefit for a nonteacher member, "average of the annual compensation" means the average annual compensation calculated using the twenty (20) calendar quarters of service in a position covered by the retirement fund before retirement in which the member's annual compensation was the highest. However, in order for a quarter to be included in the twenty (20) calendar quarters, the nonteacher member must have performed service throughout the calendar quarter. All twenty (20) calendar quarters do not have to be continuous but they must be in groups of four (4) consecutive calendar quarters. The same calendar quarter may not be included in two (2) different groups.

(b) **This subsection does not apply to a teacher member described in subsection (c).** In computing the retirement benefit for a teacher member, "average of the annual compensation" means the average annual compensation for the five (5) years of service before retirement in which the member's annual compensation was highest. In order for a year to be included in the five (5) years, the teacher member must have received for the year credit under IC 21-6.1-4-2 for at least

one-half (1/2) year of service. The five (5) years do not have to be continuous.

(c) **This subsection applies to a member of the Indiana state teachers' retirement fund who serves in an elected position for which the member takes an unpaid leave of absence. In computing the retirement benefit for a teacher member described in this subsection for years of service to which IC 21-6.1-5-7.5 does not apply, "average of the annual compensation" means the annual compensation for the one (1) year of service before retirement in which the member's annual compensation was highest. In order for a year to be used, the teacher member must have received for the year credit under IC 21-6.1-4-2 for at least one-half (1/2) year of service.**

(d) Subject to IC 5-10.2-2-1.5 "annual compensation" means:

(1) the basic salary earned by and paid to the member plus the amount that would have been part of that salary but for:

- (+) (A) the state's, a school corporation's, a participating political subdivision's, or a state educational institution's (as defined in IC 20-12-0.5-1) paying the member's contribution to the fund for the member; or
- (-) (B) the member's salary reduction agreement established under Section 125, 403(b), or 457 of the Internal Revenue Code; and

(2) **in the case of a member described in subsection (c) and for years of service to which IC 21-6.1-5-7.5 does not apply, the basic salary that was not paid during the year but would have been paid to the member during the year under the member's employment contracts if the member had not taken any unpaid leave of absence to serve in an elected position.**

The portion of a back pay award or a similar award that the board determines is compensation under an agreement or under a judicial or an administrative proceeding shall be allocated by the board among the years the member earned or should have earned the compensation. Only that portion of the award allocated to the year the award is made is considered to have been earned during the year the award was made. Interest on an award is not considered annual compensation for any year.

(+) (e) Compensation of no more than two thousand dollars (\$2,000) received from the employer in contemplation of the member's retirement, including severance pay, termination pay, retirement bonus, or commutation of unused sick leave or personal leave, may be included in the total annual compensation from which the average of the annual compensation is determined, if it is received:

- (1) before the member ceases service; or
- (2) within twelve (12) months after the member ceases service.

(-) (f) This section applies to a member of the general assembly:

- (1) who is a participant in the legislators' retirement system established under IC 2-3.5;
- (2) who is also a member of the public employees' retirement fund or the state teachers' retirement fund; and
- (3) whose years of service in the general assembly may not be considered in determining the average of the annual compensation under this section, as provided in IC 2-3.5-1-2(b)(2) or IC 2-3.5-3-1(c).

The board shall use the board's actuarial salary increase assumption to project the salary for any previous year needed to determine the average of the annual compensation.

SECTION 5. IC 33-13-12-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 7.1. (a) The total annual salary of each full-time judge of a circuit, superior, municipal, county, or probate court is ~~ninety ninety-nine~~ **(\$90,000) and (\$99,000) plus** any additional salary provided under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall pay all of the total salary except for the additional salary, if any, under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall deposit quarterly the money received from the counties under subsection (c) in the state general fund.

(b) Before November 2 of each year, the county auditor of each county shall certify to the division of state court administration the amounts, if any, to be provided by the county during the ensuing calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

(c) When making each payment under subsection (a), the county shall determine for each judge whether the total of:

(1) the payment made on behalf of that judge;  
 (2) previous payments made on behalf of that judge in the same calendar year; and  
 (3) the state share of the judge's salary under subsection (a); exceeds the Social Security wage base established by the federal government for that year. If the total does not exceed the Social Security wage base, the payment on behalf of that judge must also be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes. If the total does exceed the Social Security wage base, the part of the payment on behalf of the judge that is below the Social Security wage base must be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes, and the part of the payment on behalf of the judge that exceeds the Social Security wage base must be accompanied by an amount equal to the employer's share of Medicare taxes. Payments made under this subsection shall be deposited in the state general fund under subsection (a).

(d) For purposes of determining the amount of life insurance premiums to be paid by a judge who participates in a life insurance program that:

- (1) is established by the state;
- (2) applies to a judge who is covered by this section; and
- (3) bases the amount of premiums to be paid by the judge on the amount of the judge's salary;

the judge's salary does not include any amounts paid to the state by a county under subsection (a).

**SECTION 6. IC 33-13-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]:** Sec. 9. (a) The total annual salary for each justice of the supreme court of Indiana is one hundred ~~fifteen~~ **twenty-four** thousand dollars (~~\$115,000~~; **\$124,000**).

(b) The total annual salary for each judge of the court of appeals of Indiana is one hundred ~~ten~~ **nineteen** thousand dollars (~~\$110,000~~; **\$119,000**).

(c) The state shall pay the annual salaries prescribed in subsections (a) through (b) from the state general fund.

(d) In addition to said salary, there shall be paid in equal monthly payments on the first day of each month out of any money in the general fund of the state treasury not otherwise appropriated, the following annual subsistence allowances to assist in defraying expenses relating to or resulting from the discharge of the justice's or judge's official duties, for which no accounting shall be made by such judge:

- (1) Five thousand five hundred dollars (\$5,500) to the chief justice of the supreme court.
- (2) Five thousand five hundred dollars (\$5,500) to the chief judge of the court of appeals.
- (3) Three thousand dollars (\$3,000) to each justice of the supreme court who is not the chief justice.
- (4) Three thousand dollars (\$3,000) to each judge of the court of appeals who is not the chief judge.

(e) The state shall not furnish automobiles for the use of justices or judges compensated under this section.

**SECTION 7. IC 33-19-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:** Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A marijuana eradication program fee.
- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) A drug abuse, prosecution, interdiction, and correction fee.
- (6) An alcohol and drug countermeasures fee.
- (7) A child abuse prevention fee.
- (8) A domestic violence prevention and treatment fee.
- (9) A highway work zone fee.
- (10) A deferred prosecution fee (IC 33-19-6-16.2).
- (11) A judicial salaries fee (IC 33-19-6-18).**

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.
- (3) The alcohol and drug services program user fee.
- (4) The law enforcement continuing education program fee.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

- (1) First, the clerk shall apply the partial payment to general court costs.
- (2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.
- (3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.
- (4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.
- (5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

**SECTION 8. IC 33-19-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:** Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

- (1) for a violation constituting an infraction; or
- (2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) An alcohol and drug services program user fee.
- (3) A law enforcement continuing education program fee.
- (4) An alcohol and drug countermeasures fee.
- (5) A highway work zone fee.
- (6) A deferred prosecution fee (IC 33-19-6-16.2).
- (7) A judicial salaries fee (IC 33-19-6-18).**

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the user fee fund established under IC 33-19-8:

- (1) The alcohol and drug services program user fee.
- (2) The law enforcement continuing education program fee.
- (3) The deferral program fee.

(d) The defendant is not liable for any ordinance violation costs fee in an action in which:

- (1) the defendant was charged with an ordinance violation subject to IC 33-6-3;
- (2) the defendant denied the violation under IC 33-6-3-2;
- (3) proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal); and
- (4) the defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program

fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

- (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

SECTION 9. IC 33-19-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) For each action filed under:

- (1) IC 31-34 or IC 31-37 (delinquent children and children in need of services); or
- (2) IC 31-14 (paternity);

the clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A marijuana eradication program fee.
- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) An alcohol and drug countermeasures fee.
- (6) A judicial salaries fee (IC 33-19-6-18).**

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The marijuana eradication program fee.
- (2) The alcohol and drug services program user fee.
- (3) The law enforcement continuing education program fee.

SECTION 10. IC 33-19-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) For each civil action except:

- (1) proceedings to enforce a statute defining an infraction under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- (3) proceedings in juvenile court under IC 31-34 or IC 31-37;
- (4) proceedings in paternity under IC 31-14;
- (5) proceedings in small claims court under IC 33-11.6; and
- (6) proceedings in actions under section 6 of this chapter;

the clerk shall collect from the party filing the action a civil costs fee of one hundred dollars (\$100), except as provided in subsection (b).

(b) For each proceeding for the issuance of a protective order under IC 34-26-2:

- (1) the clerk shall initially collect thirty-five dollars (\$35) of the civil costs fee from the party that filed the action or the court may waive the initial thirty-five dollars (\$35) of the civil costs fee for the party that filed the action; and
- (2) upon disposition of the protective order petition under IC 34-26-2, the court may order that:

(A) the remainder of the civil costs fee, in the amount of sixty-five dollars (\$65), be assessed against the respondent in the action as provided in IC 34-26-2-4 or against the party that filed the action; and

(B) the initial thirty-five dollar (\$35) civil costs fee be reimbursed by the respondent in the action to the party that filed the action or assessed against the respondent in the action as provided in IC 34-26-2-4.

(c) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A support and maintenance fee.
- (3) A judicial salaries fee (IC 33-19-6-18).**

SECTION 11. IC 33-19-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) For each small claims action the clerk shall collect from the party filing the action a small claims costs fee of thirty-five dollars (\$35).

(b) In addition to a small claims costs fee collected under this section, the clerk shall collect ~~a document fee~~ the following fees if it

~~is they are~~ required under IC 33-19-6:

- (1) A document fee.**
- (2) A judicial salaries fee (IC 33-19-6-18).**

SECTION 12. IC 33-19-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) Except as provided under subsection (c), for each action filed under:

- (1) IC 6-4.1-5 (determination of inheritance tax);
- (2) IC 29 (probate); and
- (3) IC 30 (trusts and fiduciaries);

the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars (\$120).

(b) In addition to the probate costs fee collected under this section, the clerk shall collect from the party filing the action ~~a document fee~~ the following fees if it ~~is they are~~ required under IC 33-19-6:

- (1) A document fee.**
- (2) A judicial salaries fee (IC 33-19-6-18).**

(c) A clerk may not collect a court costs fee for the filing of the following exempted actions:

- (1) Petition to open a safety deposit box.
- (2) Filing an inheritance tax return, unless proceedings other than the court's approval of the return become necessary.
- (3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.

SECTION 13. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) **This subsection does not apply to the following:**

- (1) A criminal proceeding.**
- (2) A proceeding for an infraction violation.**
- (3) A proceeding for an ordinance violation.**

**In each action filed in a court described in IC 33-19-1-1, the clerk shall collect a judicial salaries fee of six dollars (\$6).**

**(b) In each action in which a person is:**

- (1) convicted of an offense;**
- (2) required to pay a pretrial diversion fee;**
- (3) found to have violated an infraction; or**
- (4) found to have violated an ordinance;**

**the clerk shall collect a judicial salaries fee of six dollars (\$6).**

SECTION 14. IC 33-19-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution,

interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

**(e) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial salaries fee.**

SECTION 15. IC 33-19-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

**(f) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial salaries fee.**

SECTION 16. IC 33-19-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) On June 30 and on December

31 of each year, the auditor of state shall transfer to the treasurer of state six million ~~seven hundred four eight hundred ninety-nine thousand two hundred fifty-seven thirty-one~~ dollars ~~(\$6,704,257)~~ **(\$6,899,431)** for distribution under subsection (b).

(b) On June 30 and on December 31 of each year the treasurer of state shall deposit into:

(1) the family violence and victim assistance fund established under IC 12-18-5-2 an amount equal to ~~eleven ten and eight-hundredths~~ **seventy-seven hundredths** percent ~~(11.08%);~~ **(10.77%);**

(2) the Indiana judges' retirement fund established under IC 33-13-8 an amount equal to ~~twenty-five~~ **twenty-seven** and ~~twenty-one~~ **twenty-nine** hundredths percent ~~(25.21%);~~ **(27.29%);**

(3) the law enforcement academy building fund established under IC 5-2-1-13 an amount equal to three and ~~fifty-two~~ **forty-three** hundredths percent ~~(3.52%);~~ **(3.43%);**

(4) the law enforcement training fund established under IC 5-2-1-13 an amount equal to ~~fourteen~~ **thirteen** and ~~nineteen-hundredths~~ **seventy-nine hundredths** percent ~~(14.19%);~~ **(13.79%);**

(5) the violent crime victims compensation fund established under IC 5-2-6.1-40 an amount equal to sixteen and ~~fifty-hundredths~~ **four hundredths** percent ~~(16.50%);~~ **(16.04%);**

(6) the motor vehicle highway account an amount equal to twenty-six and ~~ninety-five~~ **nineteen** hundredths percent ~~(26.95%);~~ **(26.19%);**

(7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to thirty-two hundredths of one percent (0.32%); and

(8) the Indiana judicial center drug and alcohol programs fund established under IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to two and ~~twenty-three~~ **seventeen** hundredths percent ~~(2.23%);~~ **(2.17%);**

of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year the auditor of state shall transfer to the treasurer of state one million two hundred thousand dollars (\$1,200,000) for deposit into the public defense fund established under IC 33-9-14.

SECTION 17. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the public officers compensation commission established by IC 2-5-1.5-5, as added by this act.

(b) The appointing authorities shall appoint the commission members not later than July 1, 2001.

(c) Notwithstanding IC 2-5-1.5-7, as added by this act, the term of a commission member appointed under subsection (b) expires as follows:

(1) The term of a member appointed by the speaker of the house of representatives expires as follows:

(A) The term of one (1) member expires July 1, 2004.

(B) The term of one (1) member expires July 1, 2003.

When making an appointment under this subdivision, the speaker shall state, subject to this subdivision, the date when the term of the member expires.

(2) The term of a member appointed by the president pro tempore of the senate expires as follows:

(A) The term of one (1) member expires July 1, 2004.

(B) The term of one (1) member expires July 1, 2003.

When making an appointment under this subdivision, the president pro tempore shall state, subject to this subdivision, the date when the term of the member expires.

(3) The term of a member appointed by the governor expires as follows:

(A) The term of one (1) member expires July 1, 2004.

(B) The term of one (1) member expires July 1, 2002.

When making an appointment under this subdivision, the governor shall state, subject to this subdivision, the date when the term of the member expires.

(4) The term of a member appointed by the chief justice of the supreme court of Indiana expires as follows:



(A) The term of one (1) member expires July 1, 2003.

(B) The term of one (1) member expires July 1, 2002.

When making an appointment under this subdivision, the chief justice shall state, subject to this subdivision, the date when the term of the member expires.

(5) The term of the member appointed by the chief judge of the court of appeals of Indiana expires July 1, 2002.

(d) Notwithstanding IC 2-5-1.5-7, as added by this act, the term of a commission member begins the day the member accepts the member's appointment.

(e) This SECTION expires July 1, 2004.

SECTION 18. [EFFECTIVE JUNE 1, 2001] IC 5-10.2-4-3, as amended by this act, applies only to members of the Indiana state teachers' retirement fund who retire after May 31, 2001.

SECTION 19. [EFFECTIVE UPON PASSAGE] Notwithstanding IC 1-1-1-8, the provisions of this act are not severable.

SECTION 20. An emergency is declared for this act.

(Reference is to HB1856 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 1.

MOSES, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1873, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 20, nays 0.

BAUER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 2014, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

PORTER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 2088, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 1.

MOSES, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 2148, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense, and military affairs.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 10-2-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. The adjutant-general shall be appointed by the governor, and shall hold the rank of not less than brigadier-general. **Provided**, However, ~~That~~ the governor may increase the rank of the adjutant-general not to exceed the rank of **major-general lieutenant-general** as a reward for efficient and loyal service to the state.

SECTION 2. IC 10-2-2-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.5. The armory board appointed under section 9 of this chapter may contribute funds in support of the following authorized duties and responsibilities of the adjutant general:

(1) The military department of the Indiana ceremonial unit.

(2) The Indiana Guard Reserve.

(3) The annual report of the adjutant general's department.

(4) The medical treatment, pensions, and funeral expenses of officers and soldiers wounded, disabled, or killed while in the active service of the state.

(5) Public relations expenditures of the adjutant general's department that are not paid by the United States Department of Defense.

(6) Recruitment and retention expenditures of the adjutant general's department that are not paid by the United States Department of Defense.

(7) The publication of the armed forces law of Indiana in accordance with section 7(d) of this chapter.

SECTION 3. IC 10-2-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) All officers shall be commissioned by the governor, who shall be and is, ex officio, the commander in chief. ~~and no person shall be commissioned in the national guard of this state, unless that person is a citizen of the state.~~

(b) No commission shall be issued to any officer of the national guard except to general officers until such officer ~~shall have~~ **has** passed a satisfactory examination before a board as to the officer's knowledge of military affairs proportionate to the office to be held and the officer's general knowledge and fitness for the service.

(c) No person shall be eligible for appointment to the office of **adjutant general, as a major-general, to command the national guard** or as a brigadier-general, unless that person has served ten (10) years as a commissioned officer of the national guard, ~~or army, or air force~~ of the United States.

(d) No person shall be eligible for appointment to any staff (other than the governor's honorary staff), corps, or department unless that person has the technical training requisite to qualify for such appointment, to be determined by an examining board appointed for the purpose.

SECTION 4. IC 10-2-4-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) A member of the national guard who:

(1) ~~shall~~, when on duty or assembled therefor, in case of riot, tumult, breach of peace, insurrection, invasion, public disaster or whenever ordered by the governor, the commanding general of the national guard, or called to the aid of civil authorities, ~~receive~~ **receives** any injury, or incur or contract any disability or disease, by reason of such duty or assembly therefor; or  
(2) ~~shall~~, without fault or neglect on that member's part, ~~be~~ **is** wounded or disabled while performing any lawfully ordered duty, which ~~shall~~ temporarily ~~incapacitate~~ **incapacitates** the member from pursuing his or her usual business or occupation; shall, during the period of such incapacity, receive the pay to which the member was entitled while on or assembled for such duty, and actual necessary expenses for care and medical attention.

(b) Where a claim is made under this section, the adjutant-general of the state may cause examinations of the claimant to be made from time to time by a medical officer or officers designated for that purpose by the adjutant-general of the state, and the adjutant-general may direct the removal of a claimant to, and treatment in, a hospital designated by the adjutant-general of the state, and if the claimant refuses to permit any such examination, or refuses to go to such hospital or to follow the advice given or treatment prescribed therein, the claimant shall thereby forfeit and be barred from all right to any claim or allowance under this section.

(c) Under this chapter, no disability shall be considered temporary which continues for more than ~~ninety (90) days~~ **one (1) year** from the date of receiving the injury or of incurring or contracting the disease or disability, and pay and expenses for care and medical attendance for more than the said ~~ninety (90) days~~ **one (1) year** shall not be allowed.



(d) The adjutant-general of the state may appoint a medical examiner or a board of three (3) officers, at least one (1) being a medical officer, to inquire into merits of any claim arising under this section, or the adjutant-general may determine any claim without appointing a medical examiner or board and fix the amount to be allowed under this section. A medical examiner or board appointed under this section shall have the same power to take evidence, administer oaths, issue subpoenas and compel witnesses to attend and testify and produce books and papers and punish their failures to do so, as is possessed by a general court-martial. The findings of the medical examiner or board shall be subject to the approval of the adjutant-general of the state, who may return the proceedings of the medical examiner or board for revision and for taking further testimony. The amount found due such member by said medical examiner or board, to the extent that the findings are approved by the adjutant-general of the state, shall be paid by this state, in like manner as other military accounts are paid.

SECTION 5. IC 10-2-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. The military courts of this state shall be as follows:

1. General Courts-Martial.
2. Special Courts-Martial.
3. Summary Courts-Martial.

Such courts shall be constituted like, and have cognizance of the same subject, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the armed forces of the United States, and the proceedings of such courts-martial shall follow the forms and modes of procedure prescribed for said similar courts, and as approved by the adjutant-general.

(a) General courts-martial. General courts-martial may be convened by orders of the governor and shall have the power to try any person subject to military law; to impose fines not exceeding two hundred dollars (\$200); to sentence to forfeit of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the services; to reduction of noncommissioned officers to the ranks, or any two (2) or more of such punishments may be combined in the sentence imposed by such courts.

(b) Special courts-martial. The adjutant-general, or the commanding officer of each camp or other place, division, regiment, separate battalion, air squadron, group, or other detached command, may appoint special courts-martial for that command, but a special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Such special courts-martial shall have power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States or state, and shall have the same powers of punishment as do general courts-martial, except that fines imposed by such courts shall not exceed one hundred dollars (\$100).

(c) Summary courts-martial. The adjutant-general, or the commanding officer of each camp or other place, division, regiment, battalion, company, air squadron, group or other detachment of the national guard, may appoint for such place or command a summary court to consist of one (1) officer, who shall have power to administer oaths and to try the enlisted persons of such place or command for breaches of discipline and violations of laws when governing such organizations. The court when satisfied of the guilt of said soldier: may impose fines not exceeding twenty-five dollars (\$25.00) for any single offense; may sentence noncommissioned officers to reduction to the ranks; and may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal and the minutes thereof shall be the same as prescribed for summary courts of the armed forces of the United States.

(d) All courts-martial of the national guard, including summary courts, shall have the power to sentence to confinement, in lieu of fine authorized to be imposed, provided that such sentence of confinement shall not exceed one (1) day for each one dollar (\$1.00) of fine authorized.

(e) No sentence of dismissal from the service or dishonorable discharge imposed by the national guard courts-martial shall be executed until approved by the governor.

(f) A conviction by courts-martial that has been approved by the convening authority under this article may be appealed to a military court of appellate review. The military court of appellate review must consist of three (3) Indiana national guard judge advocates appointed to the military court of appellate review by the adjutant general of Indiana.

(g) Presidents of courts-martial and summary courts officers shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons shall have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to accused with such order, and to issue subpoenas duces tecum and to enforce by attachment, attendance of witnesses, and the production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in action before civil courts. All processes of said courts, when it is impracticable to be executed by the military forces of the state, shall be in the name of the state and shall be executed by such civil officers as may be designated by the president of the court-martial or summary court officer issuing such process. It shall be the duty of the civil officer so designated to execute all processes and make due return thereof to the officer issuing same. Such civil officer shall be entitled to and paid such fees and allowances as are now provided or may hereafter be provided for like processes in civil actions of the state. Such fees shall be charged in case of conviction of the accused as a part of the penalty of the offense of which the accused may be convicted whether the punishment for the offense be imprisonment or fine, or both. The payment of such costs in addition to the payment of the fine imposed, shall be enforced by imprisonment until the same be satisfied, at a rate of one dollar (\$1.00) per day of such costs or fine, or both.

SECTION 6. IC 10-2-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The officer in permanent or temporary command of a station is responsible for the security of all public property of the command, whether in use or in store, and although for purposes of periodical accountability to proper authorities, it may all have been officially accepted and receipted for by any subordinate officers, the commanding officer is nevertheless responsible and pecuniarily liable with them for the strict observance of the regulations in regard to its preservation, use, and issue. ~~He~~ **The officer** will take care that all storehouses are properly guarded, that only reliable agents are employed, and only trustworthy enlisted men are detailed for duty in them or in connection with the property.

(b) Whenever any officer, **soldier, or airman** responsible for state and federal property: ~~shall~~

- (1) ~~resign~~; **resigns**;
- (2) ~~be is~~ promoted;
- (3) ~~is~~ dismissed; or
- (4) ~~is~~ discharged;

~~he~~ **the officer, soldier, or airman** shall deliver all arms, accoutrements, or stores only to some officer appointed to receive the same, and take duplicate receipts therefor, one of which ~~he~~ **the officer, soldier, or airman** shall file with the adjutant-general. In case of the death of any such officer, **soldier, or airman responsible for state and federal property**, the next in command shall immediately take charge of such arms, accoutrements, or stores, and deliver the same to some person appointed to receive the same or, if commissioned in place of such deceased, shall execute and file duplicate receipts for such arms, accoutrements, and stores with the adjutant-general.

(c) Officers responsible for state and federal property shall be charged for any damage to or loss or destruction of the same, unless they show to the satisfaction of the adjutant-general, by proper evidence, that the damage, loss or destruction was occasioned by unavoidable causes, and without fault or neglect on their part.

(d) If an article of state or federal property ~~be is~~ lost or damaged by the neglect or fault of any officer, ~~or~~ **soldier, or airman, he the officer, soldier, or airman** shall be subject to pay for the value thereof or the cost of repairs, in a sum to be determined by the proper authority, upon the demand of the adjutant-general.

(e) The amount charged against an enlisted ~~man~~ **solidier or airman** on the muster and payrolls on account of loss or damage to or repairs to military property shall not exceed the value of the article or cost of

repairs, and such charge will only be made on conclusive proof, and never without an inquiry if the soldier **or airman** demands it.

(f) The adjutant-general is authorized to pay from the funds appropriated to the military department for operating expenses the expenses necessary for the apprehension and prosecution of any person absconding with property belonging either to the state or United States, provided such person is without the confines of this state.

**SECTION 7. IC 10-2-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:** Sec. 2. Whenever it shall appear that an officer, **soldier, or airman** or a former officer, **soldier, or airman** responsible for any national guard, state or federal equipment, property, or military stores, has failed to return said issues or any part thereof on demand of proper authority, or any arms or other issues have been damaged beyond the injury resulting from the necessary use of such articles issued, or that a deficiency at any time exists in the number ~~of~~ or quantity of such state and federal arms, property, or military stores, the amount of such unnecessary damages or losses shall be determined by a board of survey, appointed in accordance with appropriate national guard regulations, and such amounts shall be collected by law in the name of the state of Indiana and paid into the military fund thereof. It is hereby made the duty of the attorney-general of the state to bring such suit in the name of the state of Indiana, and cause the amounts so collected to be paid into the military fund of the state of Indiana.

(Reference is to HB 2148 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: yeas 9, nays 0.

MOSES, Chair

Report adopted.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 4:35 p.m. with the Speaker in the Chair.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1116

Representative Lytle called down Engrossed House Bill 1116 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 131: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wheeler and Lewis.

### Engrossed House Bill 1117

Representative Lytle called down Engrossed House Bill 1117 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 132: yeas 89, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt and Riegsecker.

### Engrossed House Bill 1118

Representative Day called down Engrossed House Bill 1118 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 133: yeas 59, nays 40. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske, Sipes, Breaux.

### Engrossed House Bill 1365

Representative Weinzapfel called down Engrossed House Bill 1365 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 134: yeas 94, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Server.

### Engrossed House Bill 1492

Representative Wolkins called down Engrossed House Bill 1492 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 135: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard and Simpson.

### Engrossed House Bill 1499

Representative Bauer called down Engrossed House Bill 1499 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 136: yeas 87, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Borst and Simpson.

### Engrossed House Bill 1573

Representative Kuzman called down Engrossed House Bill 1573 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 137: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Johnson, Blade, and S. Smith.

**Engrossed House Bill 1864**

Representative Crawford called down Engrossed House Bill 1864 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was reread a third time by sections and placed upon its passage.

HOUSE MOTION  
(Amendment 1864-2)

Mr. Speaker: I move that Engrossed House Bill 1864 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Delete the amendment made on motion of Representative Crawford adopted February 8, 2001.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1864 as printed February 9, 2001, and as amended on motion of Representative Crawford adopted February 8, 2001.)

CRAWFORD

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1864, begs leave to report that said bill has been amended as directed.

CRAWFORD

Report adopted.

The question then was, Shall the bill pass?

Roll Call 138: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard and Breaux.

**Engrossed House Bill 1900**

Representative Avery called down Engrossed House Bill 1900 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public libraries.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 139: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt, Craycraft, and Hume.

**Engrossed House Bill 1924**

Representative Moses called down Engrossed House Bill 1924 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representative Mannweiler was excused from voting. Roll Call 140: yeas 61, nays 37. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and Lanane.

**Engrossed House Bill 1926**

Representative Crooks called down Engrossed House Bill 1926 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 141: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Server.

**Engrossed House Bill 1943**

Representative Budak called down Engrossed House Bill 1943 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 142: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Bowser.

**OTHER BUSINESS ON THE SPEAKER'S TABLE****Referrals to Ways and Means**

The Speaker announced, pursuant to House Rule 127, that House Bills 1105, 1600, 1890, and 2115 had been referred to the Committee on Ways and Means.

**Reassignments**

The Speaker announced that House Bill 1767 had been reassigned from the Committee on Rules and Legislative Procedures to the Committee on Ways and Means.

**PETITION TO CHANGE VOTING RECORD**

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1815, Roll Call 106, on February 14, 2001. In support of this petition, I submit the following reason:

"I was unable to vote because I was conducting legislative business away from the House Chamber during the vote on Engrossed House Bill 1815. I intended to vote Yea."

GREGG

There being a constitutional majority voting in favor of the petition, the petition was adopted.

**PETITION TO CHANGE VOTING RECORD**

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1815, Roll Call 106, on February 14, 2001. In support of this petition, I submit the following reason:

"I was unable to vote because I was conducting legislative business away from the House Chamber during the vote on Engrossed House Bill 1815. I intended to vote Yea."

CROOKS

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representatives Gregg and Crooks changes the vote tally for Roll Call 106 to 78 yeas, 2 nays. The corrected roll call will be printed in the bound Journal.*]

## HOUSE MOTION

Mr. Speaker: I move that Representative Dillon be added as coauthor of House Bill 1022.

V. SMITH

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Ulmer and Whetstone be added as coauthors of House Bill 1117.

LYTLE

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Buell be added as coauthor of House Bill 1190.

KROMKOWSKI

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Buell and Tincher be added as coauthors of House Bill 1193.

KROMKOWSKI

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Bodiker be added as coauthor of House Bill 1216.

BISCHOFF

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Murphy be added as coauthor of House Bill 1388.

BOTTORFF

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1407.

T. ADAMS

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Ruppel and Scholer be added as coauthors of House Bill 1424.

BAUER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1573.

KUZMAN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Richardson be added as coauthor of House Bill 1611.

MELLINGER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Aguilera be added as coauthor of House Bill 1727.

CRAWFORD

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Buck be added as coauthor of House Bill 1735.

STEELE

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Kuzman be added as coauthor of House Bill 1737.

KRUZAN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Bottorff be added as coauthor of House Bill 1758.

LYTLE

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Budak be added as coauthor of House Bill 1764.

PELATH

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Budak, Duncan, Dickinson, and Klinker be added as coauthors of House Bill 1829.

AGUILERA

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1855.

BURTON

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1917.

FRENZ

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as coauthor of House Bill 1958.

C. BROWN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Munson be removed as author of House Bill 1985, Representative T. Adams be substituted as author, and Representative Munson be added as coauthor.

MUNSON

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representative Behning be added as coauthor of House Bill 2102.

**PORTER**

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representatives Mellinger, Torr, and Herndon be added as coauthors of House Bill 2145.

**CROSBY**

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative T. Adams the House adjourned at 6:00 p.m., this nineteenth day of February, 2001, until Tuesday, February 20, 2001, at 1:00 p.m.

**JOHN R. GREGG**

Speaker of the House of Representatives

**LEE ANN SMITH**

Principal Clerk of the House of Representatives